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✓
ACTS AND PROCEEDINGS

OF

THE GENERAL ASSEMBLIES

OF THE

KIRK OF SCOTLAND,

FROM THE YEAR M.D.LX.

COLLECTED FROM THE MOST AUTHENTIC MANUSCRIPTS.

✓
Scotland, Church of General Assembly

PART THIRD. M.D.XCIII.—M.DC.XVIII.

EDINBURGH, M.DCCC.XLV.

THE Volume now presented to the Club, embraces the concluding portion of the Recorded Proceedings of the General Assemblies of the Church of Scotland, held within the period contemplated in the present Work. Its delivery has been retarded by accidental circumstances, in themselves of little importance; but the delay has afforded an opportunity of rendering this compilation somewhat more accurate and complete.

The Index to the entire Work has been compiled by Mr DAVID MEEK, with that extreme accuracy and exact knowledge of the early history of the Scottish Church, for which he has been so long distinguished. It may be proper to mention, that the additions and corrections to the Index were chiefly owing to his great anxiety to render it more perfect, from new sources of information which became available after the sheets had been sent to press.

EDINBURGH, *March* 1845.

THE BANNATYNE CLUB.

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At an Extraordinary General Meeting of the BANNATYNE CLUB,
held in the Apartments of the Antiquarian Society, on Friday
the 8th of July 1836:

THE PRESIDENT having stated, that the destruction of the early Registers of the Church of Scotland, in the year 1834, being no longer a matter of doubt, it had become highly desirable that measures should be taken for collecting and printing, in addition to the volume known by the title of "The Booke of the Universall Kirk of Scotland," whatever else could yet be recovered from authentic sources of the recorded proceedings of the General Assemblies, from the era of the Reformation to the period from which the original Registers were still extant. The Meeting approved of the President's recommendation, and he was requested to take such steps as he might judge fit for preparing a specimen of the proposed Work.

At a Meeting of the COMMITTEE of the BANNATYNE CLUB, held at
Edinburgh, in the House of the President, on Monday the 13th
day of November 1837:

The PRESIDENT stated, that he expected soon to exhibit a specimen of "The Booke of the Universall Kirk,"—and suggested, that it should be put within the option of the MAITLAND CLUB to secure copies of the Work, by furnishing paper and paying a proportionate share of the expense. The Secretary was directed to make a communication to this effect.

AT an Extraordinary General Meeting of the BANNATYNE CLUB,
held in the Hall of the Antiquarian Society, on Monday the
29th of January 1838 :

In pursuance of the Minute of the Committee on the 13th of November last, and after communicating with the Committee of the Maitland Club, it was RESOLVED,—That the printing of “The Booke of the Universall Kirk of Scotland,” containing the Acts and Proceedings of the General Assemblies of the Church, from the year M.D.LX., be proceeded with, under the superintendence of THOMAS THOMSON, Esq., President of the Club, at the joint expense, and for the use, of the Members of the BANNATYNE and MAITLAND CLUBS.

DAVID LAING, SECRETARY.

AT an Extraordinary General Meeting of the BANNATYNE CLUB,
held at Edinburgh, in the Hall of the Antiquarian Society,
on Monday the 15th day of April 1839 :—

RESOLVED,—That the First Part of “The Acts and Proceedings of the General Assemblies of the Kirk of Scotland, from the year M.D.LX., collected from the most authentic Manuscripts,” and now printing for the Bannatyne and Maitland Clubs, be circulated among the Members.

DAVID LAING, SECRETARY.

THE PREFACE.

Is presenting to the Club these remains of the Recorded Proceedings of the Church of Scotland, during the first half century after the Reformation, it may be fit to offer some explanation of the causes of their imperfect state; and not uninteresting to trace the successive dangers and escapes through which the original muniments had passed, down to the period when there is too much reason to believe they were left to perish in the conflagration of the Houses of Parliament in the year 1834.

The duty of recording the proceedings, and framing the Registers of the General Assemblies of the Church, was from the first entrusted to an officer regularly elected; to whom also was committed their ordinary custody.* In these Registers was embodied the most authentic

* This officer appears under the various designations of "Scribe" or "Clerk of the Assembly,"—"Common Clerk of the Kirk,"—and "Clerk of the General Assemblies, and Keeper of the Register of the same." During the period embraced in the following volumes, the office was held by four different persons in succession, whose names have been rendered of some importance, in tracing the subsequent history of these records. The first in order was Mr John Gray, whose appointment was probably coeval with the first General Assembly in 1560. In the Register of Ministers, &c. 1567, (printed for the Maitland Club.) there is the following entry, which shews that his services were not entirely gratuitous:—"Mr John Gray, Keipar of Registre of Ministers thair Stipendis, Extractor thair of, and Clerk of the Generale Assembleis and Keipar of the Registre

evidence of the original constitution of the Presbyterian Church, and of its practical administration under the guidance of those able and distinguished men by whose exertions and influence its reformation had been achieved. To their well-known importance in that view, have been mainly owing the perils and injuries to which these records have been exposed.

During the first twenty years after the Reformation, the prevailing current of opinion in favour of the Presbyterian polity had been little disturbed, and the Registers of the Church appear to have remained in the custody of the proper officer; but in the course of the subsequent struggles for the re-establishment of Episcopacy, they acquired a sinister interest, and by some disorderly means had passed into other hands, from which they were ultimately rescued with no little difficulty. Although ignorant as yet of the injuries they had sustained, and even uncertain into whose hands they had fallen, the leaders of the Church became anxious to recover the possession of these records, and to replace them under the care of their own officers. Accordingly, in the General Assembly held in May 1586, two of the members were "directit
" to the Kings Majestie to sollicite the redelyverance of the same,
" [and] returnit his Hienes answer, That they sould be delyverit
" to the Clerk ilk day during the Assemblie, but at evin they

" of the same, in recompense of his labouris bigane and to cum, ij^e li." In 1574, Mr James Ritchie was elected his successor, and sworn into the office with great solemnity. On his decease in 1596, Mr Thomas Nicolson, advocate, (and Commissary of Aberdeen,) was, by a plurality of votes, chosen, sworn, and admitted; and, with some temporary interruptions, retained the office till 1618, when, on his "dimission," Mr James Sandilands was received in his place. In 1638, Mr Archibald Johnston, (afterwards better known as Lord Wariston,) was elected Clerk by the General Assembly held at Glasgow; and to him succeeded Mr Andrew Ker, who survived the Restoration in 1660.

“ sould be in the hands of the Lord Privie Seale quhill the end
 “ of the said Assemblie; betwixt and quhilk day his Majestie
 “ wald be present himselte.” This strange reserve in permitting (P. 47)
 to the Church the custody and use of her own Records, was apparently intended to elude the detection of the frauds practised by those into whose hands they had fallen; while, at the same time, it well harmonized with the favourite views of the King in asserting a civil supremacy over the ecclesiastical establishments of the country.

In the Assembly held in June 1587, “ the King’s Commissioners
 “ having offered their concurrence in recovering the Registers, if it
 “ might be known in whose hands they were; and the Moderator
 “ having desyrit the brether that could give any light in this matter
 “ to manifest the same.” it was ascertained that they were then in (P. 48.)
 the possession of Patrick Adamson, Archbishop of St Andrews: and the royal authority having been obtained in aid of that of the Church, to compel their production, it would appear that in the first instance they had been given up to the Lord Secretary; and after much hesitation and cavil, there was “at length presentit
 “ to the sight of the kirk fyve volummes of thair Actis, quherof
 “ a great part being mankit, and, after the sight thereof, being
 “ redelyverit,—the haill brether ordainit ane heavie regrate to
 “ be made to his Majestie in article, lamenting the away taking and mutilating of the saids Bookes, and to crave that the
 “ same may be restored, and also that the saids Bookes may be
 “ delyverit in the Kirks hands, to remane with them as their
 “ awne Register, namelie in respect of the answer returnit from
 “ my Lord Secreter, that his Majesties will was, that the Kirk sould
 “ have inspection thereof as they had adoe presently, and to give
 “ them up againe.” (P. 697.)

The restoration of the mutilated parts of the Registers, was unhappily no longer possible; but the story of this disgraceful

proceeding seems to have been first disclosed, in the year 1591, in the humiliating confessions elicited from Archbishop Adamson by the Provincial Synod of Fife. He there ventures to assume to himself the credit of having saved the Acts of the General Assembly from the flames, to which they were destined by the Earl of Arran ; but confesses, that “ upon a certain day in Falkland, before “ they were delivered to the Kings Majestie, the Bishop of N. accompanied with Mr Henry Hamiltoune, rent out some leafes, and “ destroyed sic things as made aganis our estate, and that not “ without my awne speciall allowance.”*

There seems to be no doubt, that prior to the date of these disclosures, the Registers of the Church had been replaced in the hands of the Clerk of the Church, nor does it appear that any further attempts were then made to disturb their legitimate custody. But hazards of another kind were awaiting them. On the overthrow of the Presbyterian polity in the year 1606, its muniments were no longer regarded as of dangerous importance ; and for more than thirty years they appear to have been neglected and lost sight of by the Church. The period however was fast approaching

* Row's History of the Kirk of Scotland, p. 123. Edin. 1842, 8vo. In the Latin edition or version of this *Palinodia*, the passage relative to the Books of the Kirk is thus given : —“ Quod ad illud quod quæritis, quis casus obtigerit Commentariis Synodi Generalis, “ ita res se habet. Integros servavi in reditum nobilium et ministrorum ex Anglia : “ quod si non fecissem, Comiti Araniæ in animo erat curare ut conjicerentur in ignem. “ Falcolandiæ quodam die, priusquam traditi sunt Regiæ Majestati, Episcopus N. una “ cum M. Henrico Hammiltonio discerpit quædam folia, et ea quæ adversus ordinem “ nostrum ulli usui esse possent, idque me approbante.”—A. Melvini Musæ, et P. Adamsoni Vita et Palinodia,—p. 51. 1620, 4to. It has been supposed that the person here alluded to was David Cuninghame, who had been preferred to the Bishoprick of Aberdeen in the year 1577. The extent of the mischief thus practised has not been exactly ascertained, but the indications of this rough process of castration will be found in the following work, at pages 417, 424, 461, 465, 474.

when a due sense of their importance was to revive; and very serious alarms for their safety had begun to prevail, when, to the surprise of all, the greater part of them was brought to light in the General Assembly held at Glasgow in the year 1638. Of that unexpected and joyous event, the contemporary historians of the Presbyterian Church have been anxious to preserve the minute and interesting details.* It may here suffice to state, that by the successful exertions of Mr Archibald Johnston, who had been then chosen Clerk of the Church, and who was destined to act a still more prominent part in after life, the greater part of the Registers prior to 1590 had been traced and found in the hands of private individuals, officially connected with Mr Thomas Nicolson, the last regular Clerk, in whose possession they had been left after his "dimission" in 1618. Those only of subsequent date had been received by his successor Mr James Sandilands, whose son, an unsuccessful candidate for the clerkship, surrendered them to the Assembly.

On the part of the Royal Commissioner, there was shown an evident disinclination to recognise the authenticity of these records; but to put an end to all doubts on that head, the books were subjected to a minute and careful scrutiny, by a Committee of distinguished members: whose elaborate report, proving them to be "true, famous and authentick registers of the Kirk," was ultimately approved by an unanimous decision of the Assembly.

(App. p. xxvii.)

Of these more ancient records there were in all five volumes; four of which were found to contain the original record of the Assembly's Proceedings from 1560 to 1590; with the exception of that from March 1572 to March 1573, and of that from July 1580 to October 1583. The former of these was recovered and pro-

* See Appendix. No. I.

(App. p. xxviii.) duced to the next General Assembly held in 1639; of the other no trace appears ever to have been found. * That loss however was supplied by a fifth, what is described as the "greatest volume," and which proved to be a well-authenticated "duplicate" of the entire series of proceedings prior to the year 1590.

From the state of safe custody to which they were thus once more restored, the records of the Church were doomed to be again withdrawn, at the disastrous period of the English invasion in 1650. After several transfers from place to place, it was thought advisable to seek a shelter for them in the fortress of the Bass: in April 1651 a requisition was sent to the keeper, "that the Bass might be made " secure for the Registers, as it had been in a former day of calamity;" and as a further precaution against the accidents of war, it was " agreed that the great volume, being a duplicate of some of the rest," should be sent to the castle of Dunottar, to which the Regalia of the (App. p. xxix.) Kingdom had been carried. But neither the Regalia, nor "the great volume," were very long considered as in a place of safety; and on the authority of a letter from certain members of the Commission of the Church assembled at Aberdeen, on the first of September 1651, the Register in question was delivered to the Earl of Balcarras, who had been the High Commissioner to the General Assembly held at St Andrews in the preceding month of July.† The more important portion deposited in the fortress of the Bass, fell soon afterwards into the hands of the English invaders, and was removed from

* From the proceedings in the Assembly 1638, given in the Appendix, it appears that these missing volumes were supposed to be in the hands of Archbishop Spottiswood, who is stated by Lord Rothes to have obtained from the king a warrant to demand them from Nicolson, the former clerk, and from whom the later volumes after 1590 were obtained by Sandilands. It is highly probable that the Archbishop had desired to have the use of these Records in the composition of his Ecclesiastical History.

† See Dr M'Crie's *Memoirs of Veitch*, &c. p. 524.

Scotland in pursuance of an Order of the House of Commons, April 27, 1652.—“ That Major-General Dean cause the public Records “ of the Kirk, taken in the said isle, [the Bass,] to be packed up in “ cask and to be sent to the Tower of London, there to remain in “ the same custody that the other Records that come from Scot- “ land are.”

In 1657, Sir Archibald Johnstoun, Lord Wariston, in virtue of his office of Clerk Register, was successful in obtaining from the Protector's Council a warrant for restoring to Scotland such of the public Records “ as concern private men's cases and interests only : ” but all those “ of a public nature ” were retained till the period of the Restoration. There can be little doubt that his ardent zeal in the service of the Kirk would not allow him to be inattentive to the fate of these Registers : but of the means or the time of their actual release from the Tower, no distinct traces have been found. They do not appear to have been included among the Records surrendered in 1657, of which a full Inventory is preserved : and although it might be presumed that they were sent back to Scotland in September 1660, along with the other Public Records of the Kingdom, yet no distinct traces of their existence or subsequent fate have been found. The possibility of their retention in England, for reasons similar to those which prevented the transfer to Scotland of the Acts and Proceedings of Parliament during the Civil War, might have left a glimpse of hope for their ultimate recovery, had not the recent arrangement of the Records in the State Paper Office, and at the Tower, precluded every chance of their being yet discovered in those repositories. Whether these Registers of the Church may not have formed a part of the Records that were lost at sea on the voyage to Scotland in 1660, must remain a matter of mere conjecture, as there exists no satisfactory evidence of what was included in that unfortunate cargo. If it be supposed barely possible that they

were brought back to Scotland, the only conjectural alternative which remains is, that they may have perished in the great fire at Edinburgh in the year 1701, which consumed a large mass of consistorial and ecclesiastical records.*

The other portion of the Church's muniments which had been transferred to the castle of Dunnottar in 1651, and afterwards placed in the hands of Lord Balcarras, there seems reason to believe, had been committed by him to the custody of Mr Andrew Ker, the successor of Lord Wariston in the Clerkship of the General Assembly, and on his death, had passed into the possession of his brother and heir, Mr Robert Ker. After the death of the latter in 1677, they are said to have been discovered in his private repositories, either in consequence of some previous information conveyed to the Government, as stated by Bishop Keith,† or more probably by the officers of the Commissary Court, in the course of their official researches. How they afterwards came into the possession of Paterson, Bishop of Edinburgh, does not appear; but in his hands they were retained, after the re-establishment of Presbytery in 1689; and in disregard of unquestionable legal rights and obligations, he appears to have treated them as articles of merely antiquarian curiosity, and, as such, to have presented or bequeathed them to the Honourable Archibald Campbell, an eminent virtuoso in his day, and afterwards a titular bishop of the Episcopal Church of Scotland. Bishop Paterson died in 1708; and it is remark-

* In the General Assembly at Edinburgh, March 1703, an Act was passed "for supplying and preserving the Registers and Papers belonging to the General Assemblies, Committees, and Commissioners thereof;" proceeding on this preamble: "The General Assembly taking into their consideration the great loss the Church hath sustained by the burning of several of their Registers and some papers, in that dreadful fire which happened in the Lawn Mercat of Edinburgh upon the 28th day of October 1701," &c. Among these losses, the Registers of the Assemblies 1638, 1639, 1640, 1641, 1642, are particularly mentioned.

† History of Scotland, p. 497. Note *b*.

able that twenty years afterwards, the fact that those were genuine Registers of the Kirk seems not to have been ascertained. In a letter from Mr Robert Wodrow to Lord Grange, written apparently in 1728, after alluding to the Manuscripts collected by George Ridpath,* it is added, "He pretended to have our original Acts of Assembly, as I hear Mr Archibald Campbell, Lord Niel's son, pretends his copy is likewise an original record." This uncertainty may help in some degree to account for the tardiness, if not indifference, which the leaders of the Church had hitherto shown in vindicating their just rights, and compelling the restoration of an unquestionable portion of the Public Records of the Kingdom.

At length, however, the authenticity of the Registers in the hands of Mr Campbell appears to have been ascertained, and on the part of the Church a negotiation was set on foot for their recovery, of which some valuable traces are preserved, but which is said to have failed in consequence of the extravagant and preposterous conditions proposed by that eccentric person.† Beside the payment of a sum of money as the price of their own property, which was considered as excessive, it was to be an indispensable preliminary that the books should be printed under his own superintendence, to the absolute exclusion of any revisal by any member of the Established Church. The rejection of such conditions can excite no surprise; but it may well be wondered at, that there the matter should have been suffered to rest, and that no legal measures for compelling the restitution of the property should have been adopted. To these

* WODROW CORRESPONDENCE, III. 285.—The manuscript in Ridpath's possession would appear to have been a copy of "The Book of the Universal Kirk." It was acquired by Dr James Fraser, another curious collector, and presented by him to the Library of the Divinity Hall in the University of Edinburgh. Unfortunately it has been lost for many years; but a transcript of it was made for the use of the Church in 1730.

† The documents alluded to are in the archives of the Church, and have been printed in the Appendix, No. VII. p. xxxix.

no effectual bar had been created by the subsequent transfer of the books to the Library of Sion College, London, by a deed of gift dated in the year 1737; but whether from a certain sluggishness of movement incident to such bodies, or from some ill-advised distrust of their own rights, the Church does not appear to have made any effort, or bestowed any serious thought on the subject. till nearly a century after, when the Reverend Dr Lee, now the Principal of the University of Edinburgh, began to rouse the attention of his brethren to the assertion of their long neglected claims. The strict justice of these he was most eminently qualified to illustrate and enforce; and for his zealous and laborious services in the cause, he well entitled himself to the thanks of successive Assemblies of the Church. It can never cease to be matter of deep regret, that his exertions had not secured a timely and more strenuous support; and that regret is embittered by the consideration that the first practical step, and the expected prelude, to a full vindication of the Church's right to these Records, was doomed to become the immediate cause of their loss.

In the year 1834, in pursuance of an Order of a Select Committee of the House of Commons on Church Patronage, Dr Lee, Dr Welsh, and Principal Macfarlan, accompanied by Mr James Chalmers, * obtained access to the Library of Sion College, and (App. p. xxxiii.) reported that " they had inspected three books in manuscript, " bearing to be records of the Proceedings of the General " Assembly of the Church of Scotland from 1560 to 1616 :"— " and that in their opinion these Records were the genuine and " authentic Register of the Proceedings of the General Assembly " of the Church of Scotland for the above period." Under another Order of the Committee, these volumes were reluctantly dragged from their place of deposit, and produced by one of

* At a previous examination of the MSS. in Sion College, Mr John Richardson, and Mr David Laing, Secretary of the Bannatyne Club, formed part of the Deputation.

the officers of the College; who was informed “that the Committee
“wished the books to lie upon the Table for their inspection, and
“that the Committee would send to him when they wished them to
“be returned.”* The consequence of this resolution seems to be
but too well ascertained. By a sad oversight the books were suffered,
at the close of the Session, to remain in the Committee Room,
and that part of the buildings was burnt down on the 16th day of
October ensuing.

(App. p. xxxvii.)

The books thus destroyed were three in number. The first, embracing the Proceedings of General Assemblies from December 20. 1560 to March 1589, was unquestionably the same “greatest book” produced by Wariston in the Assembly 1638; as, independently of certain coincidences observed by Dr Lee, it contained an attestation in the hand-writing, and with the well known signature of Wariston, as Clerk of the Assembly, that it had been received and acknowledged as an authentic register. The two other volumes, containing the Proceedings of General Assemblies from 1590 to 1616, were in all probability the same that were presented to the Assembly in 1638, by Sandilands, the son of the last Clerk of the Church within the period to which they relate.

(App. p. xxxviii.)

The great importance of the Proceedings of the Reformed Church of Scotland to the illustration of the constitutional and general history of the kingdom, had not escaped the early attention of the Bannatyne Club; and in the absence of other means of giving publicity to the genuine records of the Church, the project was gravely entertained of undertaking that national work. The fatal catastrophe of 1834 terminated that more ambitious scheme; and there only remained the plan here adopted of retrieving, from such secondary

* See Report of Select Committee on Church Patronage, pp. 355, 374, 451, App. p. 155.

sources as yet exist, the broken and disjointed fragments of the original Registers. Imperfect though they certainly are, two of these sources are here deserving of particular notice.

1. From an early period it became an object of importance to select from the general registers of the Acts and Proceedings of the Church, such parts as were calculated to illustrate and explain the principles of its constitution, and to regulate its ordinary administration. As early as 1574, a Committee of Members was appointed "to take travell in visiting and perusing of the Acts of the Assembly; to mark and note sick as are general, that thereafter they may be drawn and extracted out of the Books, that all pretext of ignorance may be tane away." Again in 1582, the Assembly "ordaines Mr [John] Craig to lay an order for collecting the Acts of the Kirk betuixt and the nixt Assemblie." In 1583, "Anent the travels taken be Mr Craige in collecting and disposing the Acts of the Assemblie," certain brethren are ordained "to consider and oversee the samine, and to retorne their opinion back to the Assemblie:" and in the same Assembly, "anent the labours taken be Mr John Craige in collecting of the Acts of the Assemblie, seing the great travels tane be him for the weale of the same, not without the singular fruit and profite of the whole brethren, to the effect the same may be absolved and brought to perfection, it is thought good that" the Commissioners "travel in perusing the whole work," and assist in the full completing thereof,—"that the judgment of the next General Assemblie may be had thereupon." And in the following Assembly, held in the same year, the Commissioners report that they "had considered the travels of Mr Craig in the Acts of the Kirk, and that in his labours God was to be praised: yet some things they had noted, wherewith they desired he sould conferr, and thereafter proceed with him in farther reasoning."

Of the praiseworthy labours of Mr John Craig, nothing more appears till the year 1593, when the following entry occurs: "Anent (P. 856.)
 " the Actis of the Kirk: That everie Presbyterie may be the better
 " instructit therin, the Kirk hes ordinit Mr James Carmichael, quha
 " has alreddie tane sum pancis in correcting therof, to perlyte the
 " work, and to present the same to the next General Assemblie of
 " the Kirk." And again, in the Assembly of 1595, "Anent the (P. 856.)
 " Actis of the Assemblie: The brether has ordainit that the samein
 " be sichtit, and speciall Acts for practise of the Kirk be extractit
 " and jointit with the Booke of Discipline, to be publishit either
 " in wryte or print, that none pretend ignorance therof, and to this
 " effect to concurre with the Clerk, Mrs Robert Pont, Thomas
 " Buchannan, James Melvill, Johnstoun, and James Carmichael."*
 Here we find no distinct allusion to the previous labours of Mr John Craig; but having evidently had the same object, it may be presumed that those of Mr James Carmichael and his coadjutors consisted of a revisal, perhaps enlargement, and continuation of the former.†

That these careful compilations should have been afterwards entirely lost sight of, is highly improbable; and as there still exist various copies of such an abridgment, to which has been usually given the title of "the Book of the Universal Kirk of Scotland," it seems no very hazardous conjecture, that these may be transcripts of the work of Carmichael, continued to the termination of

* Some curious notices relative to the progress of Mr Carmichael's labours occur in the Register of the Provincial Synod of Lothian and Tweeddale, and will be found in the Appendix, p. xxx.

† This Manuscript appears to have belonged to William Earl of Crawford-Lindsay, who flourished in the reigns of Charles I. and II., and was distinguished for his attachment to the Presbyterian Church: it has his autograph signature in different parts of the volume.

Presbyterian government in 1606. The copy preserved in the Advocates Library appears to be a manuscript of the early part of the seventeenth century, and contains proceedings of Assemblies down to the year 1616, including most of those that were condemned as unlawful by the General Assembly of 1638. It has been adopted as the main ground-work of the present collection, and has been found on collation to admit of little correction or improvement from any other copy. When the larger volume from which it must have been compiled, was examined by Dr Lee (App. p. XXIV.) in 1834, he found, on a random calculation, that it contained more than thrice the quantity of matter preserved in "the Book of the Kirk;" but of what that larger quantity chiefly consisted, he had not an opportunity of ascertaining, further than that the Record "contained a great mass of information in a more complete" and certainly in a more correct form than any thing that has been "exhibited in any of the publications which he had ever seen."

2. In aid of the "Book of the Kirk," and for the enlargement of its contents, the Ecclesiastical History of David Calderwood has proved of most important use. It would be here out of place to enter into any detailed account of that valuable work. It was undertaken, if not originally under the express authority, yet with the entire approbation of the Church; and as the Records, recovered in 1638, were completely accessible to the author, it is evident that he had made a diligent use of his opportunities, and had not confined his researches to any of the abridgments which were then extant. His quotations from the Registers of the Assembly are very copious, and in the present work have been interwoven with the contents of the Book of the Kirk, but never without indicating the source from which they have been derived, by including them within brackets, with the initial letter of the author's name. The great value of Calderwood's work has been long known,

and its complete publication from the original manuscript, now in the British Museum, has been one of the meritorious labours of the Wodrow Society. The extracts introduced into the present collection have been taken from a transcript of the original, made for the use, and under the inspection of Mr Robert Wodrow, now in the possession of the Church of Scotland.

It has been the object and anxious wish of those to whom the conduct of this work was entrusted, to preserve every fragment of genuine record that could be discovered. For that purpose the historical works of Knox, of Melville, of Spottiswood, of Petrie, of Row, and others, have been carefully examined, and various corrections and additions have been obtained, which, like those from Calderwood, have been invariably indicated by the initial letters of their respective names. In further illustration of the proceedings of the Church, several public documents, taken from the Registers of the Secret Council and other authentic sources, have been introduced at their proper places in the order of time, and will be found to add to the historical interest of these volumes.

In the selection and transcription of nearly the whole of its materials, and in the various researches essential to the successful completion of the work, the Club has to acknowledge its deep obligations to the Reverend William Beattie Smith, A.M., Chaplain to the Garrison of Edinburgh Castle, whose zealous and long sustained exertions could have been prompted only by a deep feeling of interest in the object to which they were directed. That, after all, some things may have escaped his researches, is far from impossible; that some few notices have been introduced which were not strictly within the proper scope of the work, will not escape the observation of a critical reader; but on the whole, it is scarcely to be hoped that a more extensive view of the actual proceedings of

the Presbyterian Church, during the period which it embraces, can now be attained.

It only remains to be stated, that the proper contents of what has been usually entitled the Book of the Universal Kirk of Scotland, may be said to terminate with the General Assembly appointed to be held at Aberdeen in the year 1604; and that the Assemblies which follow, from 1606 to 1618, whose proceedings have been here retained as necessary to complete the historical series, were, on the (App. p. XLIX.) restoration of Presbytery in 1638, “condemned, and declared every
 “one of them to have been from the beginning, unfree, unlawful,
 “and null,” for reasons which are recorded at length in the Acts of that Assembly.

EDINBURGH, *March* 1845.

APPENDIX.

I.

PROCEEDINGS OF THE GENERAL ASSEMBLY HOLDEN AT GLASGOW, IN THE YEAR 1638.
RELATIVE TO THE REGISTERS OF THE CHURCH.

Sessio 3^{da}. November 26. 1638.

THEN the voices of the hail Assemblie wer craved anent the electioun of a Clerk, and Mr Archibald Johnstoun wes chosin be the universall consent of all except one, and wes admittit Clerk vnto the Assemblie ad vitam, and vnto all the richtes, fies, and priviledges pertaining to ane Clerk off before, to be extendit at large; who, efter the acknowledgement of the weichtines of the charge, and his insufficiencie for it, imbraced it, as haveing a calling from God and the honourable Assemblie. The Moderator desyred to be informed, if anie more wes requisite for his admissioun, bot a solemne oath of his fidelitie and diligence. Mr Johne Row answered, Nothing farder, but that he sould bring foorth, keip and preserve the Registers of the Church, at leist so manie as sall come in his handis, seing pitiful experience could shew how these Registers had been marred in former tymes. Then Mr Archibald gave an solemne oath of his fidelitie and diligence and conscieus keeping and use making of all Registers; and documents was taken of his acceptance and admission. The Moderator said, that the books and acts of all former Assemblies should be produced and putt in Master Archibald's hands. Mr Thomas Sandilands answered, that he had receaved no Registers from his father, but onlie two bookes containing some Acts from the year 1590, till the Assemblie at Aberdeen holden *anno* 1616, which therein is onlie begunne, with the minuts of the acts of the said Assemblie of Aberdene in a paper apairt, with the

minutes of Sanct Androis following 1617, with the acts of the Assemblie at Perth subscribed be Mr James Sandilands, and delivered the samen to the Assemblie: and being posed for the rest of the Registers, answered, in his fathers name, that hee had gotten these two from the bischop of Sanct Androis, and had never receaved any more neither from him nor from the Assemblie nor from any other. The Moderator craved, that all the Registers might be had and brought forth from the hand of any clerk or haver of them, affirming that these bookes had in them matters of greater weight then all other evidents of Land &c. ffor they were the Kirk of Scotlands Magna Carta, containing all her priviledges and liberties since the Reformation. Hee wished also, that this Assemblie sould not be deprieved of so powerfull a meane of informatione, for proceeding in matters to be handled there. The former clerks sone affirmed, that he had destroyed nane of these books. The Moderator urged the production of these books, and desired the Commissionert to take course for it. The Commissioner ansuered, that hee was willing to use any good meane that could be used for the productione of these bookes, if any could shew in whose hands they were; for (said he) I desire not that any Register sould be absent, but above all the Kirk Registers. My Lord Rothes said that, by a warrant from King James, the Bookes were taken from Mr Thomas Nicolsone and the last clerk, and putt in the hands of the pretended Bischope of Sanct Androis, and soe of neid-force a course must be taken for getting of these bookes from the Bischope. Mr Archibald Johnstone said that, in Gods providence, als many books were come in his hands as sould be able to make up a perfite Register of the whole affaires of the kirk from the Reformation untill this day; which bookes he produced on the table and declared by whom and what meanes they were come into his hands; to witt, Mr Robert Winrahame, depute Clerk under Mr Thomas Nicolsone, and from him to Alexander Blair, of which bookes there are five volumes in folio; but Mr Patrick Adamsone, Bischope of Sanct Androis, rent one of them, and there are yet four to the foir of them written be Mr James Ritchie and Mr Thomas Nicolsone, whereof the first two containes the Acts of Assemblie from the year 1560 to 1572, subscribed be Johne Gray, Clerk to the Assemblie: The third volume fra 1586 till 1590, written and subscribed in the margine be Mr James Ritchie, Clerk to the said Assemblie: The fifth booke, being ane great volume of the Acts of the Assemblie fra the year 1560 till 1590, (whereof he had but an len from an minister:) Whereof the first four volumes, the said Mr Archibald declaired that he had receaved them from Alexander Blair, Wreater, who was servand, and succeeded in the place of Modifications of Stipends to Mr Robert Winrahame, who had a deputation from Mr Thomas Nicolsone. Clerk to the Generall Assemblie.

The Moderator said, These are good and comfortable newis unto the Church of Scotland, that a perfect Register of the Acts of the Assemblies are yet to the foir; and that it was needful that course be taken for tryell of these bookes, whether they be these same bookes written be the clerks or be their deputies, or copies onlie of these bookes. It was ansuered be the clerk, that they are the same, written and sub-

scribed by the clerks owne hand; and the leaves riven out of ane of them by the Bishop, from the 22d to the 27th leaffe, may yet be knowen by the merkit number of the leaffis. The first Clerk wes Mr Johne Gray, who subscribed everie Assemblie with his hand. The next is also subserved, and an memorandum on the first leaff of it, where Mr Archibald Hunter passed to the Chancellor Maiteland and receaved that volume and this uther, and the half of that which was rent by Bischope Adamsone;

The third booke, the first act of it is the election of Mr James Ritchie, Clerk, which booke is all of one hand writt. The one booke is from the 60 to the 70 year. The next from the 70, wherein the Bischope of Sanct Androis is censured and excommunicat. And now in Gods providence there is in the present clerks hands, a perfite Register from the 70 year to this last Assemblie, for which all of us have reason to praise God. The commissioner said, See that wee build on an sure foundation, and try well that these bookes be authentick. The Moderator craved, that some judicious men, and skilled in dig-noscing handwritts, might be nominat for tryell of these bookes; and intreated the Earles of Lauderdaill, Southesk, and Argyle, to take inspection of the bookes. Ar-gyle obiected his youth and unskillfulness for so weightie a charge, yet at com-mand of the Commissioner he declaired his willingness to assist the worke. The Com-missioner said, that if his owne paines could contribute any thing to the furtherance of the worke, he would be ready to sitt upp day and night, but would not lay that burthen on his Assessours; for, said he, seing it is refused that they should be members of the Assemblie, hee saw not how they could be appointed for trying of these Registers. The Moderator answered, Wee are hopeful that their Lordships will not refuse to further the good of this Assemblie, seing it is said here it is not for want of due respect wee owe to their Lordships, but onlie for preservation of the Kirks liberties as said is. The Commissioner said, I cannot see how these that are not granted to be members of this Assemblie, can cognosce bookes containing matters of so great weight. The Moderator answered, that they can best judge. The Com-missioner said, but I cannot consent unto it: Therefore the Moderator said, let the skilliest of the clerks of Sessione, counsell and burrow clerks, such as the Laird of Durie, the clerk of Dundie, Mr Alexander Pierson, Advocate, be conjoined as their assessours, to help them of the ministerie, Mr James Bonar, Mr John Row, Mr Andro Ramsay, Mr Wm. Livingstown, Mr John Adamson, Mr Robert Murray.

Mr John Row answered, that he had yet in his hands the Booke of the Kirk Policie, subserved be Mr James Ritchie, clerk, which will serve to dignosce the hand writt. Mr Archibald Johnstone said, hee had the principall Book of Policie, written in Lum-bard paper, in his hand, which also would conduce to that end; this being judged to be the fittest way for tryall of the Registers of the Kirk, and making them to be authentick.

many objections made be the Lords of Clergie and their adherents against the legalitie of the proceedings of this Assemblie, I am tyed yet to say somewhat; and I am sorry that I must protest against that in word, which my heart desires not. Sore greaved I have reason to be to protest against soe good a work as is the restoring of the Kirk to her Records; yet considering my many causes, which now I will not expresse, I am forcit to protest against it. For albeit these Bookes may be found authentick by the consent of this Assemblie, yet may I do nothing which may import either his Majesties assent to it or myne; and therefore here I make protestation against it. The Moderator said, wee onlie crave the Assemblies approbation; and if the pretendit Bischops, or any other, will take upon them to improve these Bookes, or any part of them, they salbe heard. It is pittifull that there sould be such a fearfull rent in our Church, and that any pointe of the cause of it sould be impute to auctoritie, if wee consider what a sweet unitie was once in this Kirk;—to cleare this unitie, I will read a testimonie out of the Preface of the Booke, called the Harmonie of the Confessioun of the Reformed Kirkes. After the reading of it in Latine, he expounded it, shewing the rare priviledges of the Kirk of Scotland beyond other Kirkes; that for the space of 54 years, it remained in puritie of doctrine and discipline without any errour or schisme; and gave a reason of it, because the Kirk of Scotland was reformed in doctrine and discipline according to the word of God: so it is cleare this Kirke once had unitie; and it is cleare also by what meanes and instruments schisme hes come in. The Commissioner said, I pray God this Kirk may enjoy that puritie 40,000 years more, if the world shuld indure so lang; yet I must protest in more pathetick wordes against the auctoritie of these bookes, (for I did it in modestie before.) Albeit, I would give my estate, and venture my life, in furthering the Church to be restoiored to her Registers; but because of the manifold exceptionouns I gave against the way of the meeting of this Assemblie, and against sundrie persones which are members of it, I protest heir, that neither the Kings Majestie nor the bishops be wronged be any act in these books; and that they are not oblist be the acts of any book, which is not subscriyved be the clerk of Assemblie. My Lord Rothes said, your Grace promised to propone some scruples against these bookes, wherein your Grace was not yet satisfied, which wee desire to heare; for they are found of all who have tryed them, comparatively authentick, and otherwayes also. The Moderator said, wee are sure if his Grace had perused these bookes, hee would approve them also. The roll being called be the clerk, the Moderator asked if the Bretherene did approve the Registers, who answered, that they did; and desires that the reasones of the approbatione might also be insert in the Bookes of Assemblie; and that there was not any protestatione made by his Majesties Commissioner. They desired also that the Bischop of Sanct Androis might be summoned for the production of these bookes which are wanting.

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ACT APPROVING THE REGISTERS.

Anent the report of the Assemblies judgement of the authority of the books of Assembly; The Moderatour having desired that if any of the Assembly had any thing to say, they would now declare it, otherwise they would hold all approved by the Assembly.

The Commissioner his Grace protested that the Assemblies approving these books, or any thing contained in them be no wayes prejudiciall to his Majestie, nor to the Archbishops and Bishops of this Kingdome, or any of their adherents; because he had some exceptions against these books. My Lord Rothes desired these exceptions to be condescended on, and they should be presently cleared, and protested that these books should be esteemed authentick and obligatorie hereafter.

The whole Assembly all in one voice approved these books, and ordained the same to make faith in judgement, and out-with, in all time comming, as the true and authentick Registers of the Kirk of Scotland, conforme to the testimonie subscribed by the Committie, to be insert with the reasons thereof in the books of Assembly: Whereof the tenour followeth.

WE under-subscribers, having power and commission from the Generall Assembly now presently convened, and sitting at Glasgow, to peruse, examine, and cognosce upon the validity, faith, and strength of the books and registers of the Assembly under-written, to wit: A register beginning at the Assembly holden the twentie day of December 1560, and ending at the fourth session of the Assembly holden the 28. of December 1566.

Item another register beginning at the Generall Assembly, holden the second day of June 1567, and ending at the fourth session of the Assembly holden at Perth the ninth day of August 1572, which register is imperfect, and mutilate in the end, and containeth no leaf nor page, after that page which containeth the said inscription of the said fourth session, which two registers bears to be subscribed by John Gray, scribe.

Item a register of the Assembly holden at Edinburgh the seventh day of August 1574, and ending with the twelfth session, being the last session of the Assembly 1579.

Item another register beginning at the Assembly holden at Edinburgh the tenth of May 1586, and ending in the seventeenth session of the Assembly holden in March 1589.

Item another register being the fifth book, and greatest volume, beginning at the Assembly holden in Anno 1560, and ending in the year 1590.

Having carefully viewed, perused, and considered the saids registers, and every one of them, and being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our conscience declare to the world and

this present Assembly, that the saids foure registers above expressed, and every one of them, are famous, authentick and good registers: which ought to be so reputed, and have publick faith in judgement and out-with, as valid and true records in all things; and that the said fifth and greatest book, beginning at the Assembly 1560, and ending 1590, being margined by the hand-writs of the Clerk, and reviser of the registers, cognosced, and tryed, and agreeable to the other foure registers, in what is extant in them, ought also to be free of all prejudice and suspicion, and received with credit. And in testimony of our solemne affirmation, we have subscribed these presents with our hands.

Sic subscribitur.

Master Andrew Ramsay.
 Master Iohn Adamson.
 Master Iohn Row.
 Master Robert Murray.
 Master Alexander Gibson.
 Master Iames Boner.
 Master Alexander Peerson.
 Master Alexander Wedderburn.

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 REASONS PROOVING THE FIVE BOOKS AND REGISTERS PRODUCED BEFORE THE
 ASSEMBLY TO BE AUTHENTICK.

The books now exhibited unto us under-subscribers, which we have revised and perused by commission from the Generall Assembly, are true registers of the Kirk: to wit, Five volumes, whereof the first two contain the acts of the Assembly; from the year of God 1560, to the year 1572, all subscribed by John Gray, Clerk. The third from the year of God 1574, to the year 1579. The fourth from the year of God 1586, to the year 1589. At which time Master James Richie was Clerk, who hath frequently written upon the margine of the saids two last books, and subscribed the said margine with his hand-writing. And the fifth book being the greatest volume, containing the acts of the Generall Assembly, from the year of God 1560, to the year 1590, which agreeth with the foresaids other foure books and registers, in so far as is extant in them, and further recordeth what is wanting by them, passing by what is mutilate in them, and which with the two volumes produced by Master Thomas Sandilands from the year 1590, to this present, maketh up a perfect register.

I. For the first two volumes subscribed by John Gray, albeit it be not necessar in such antiquitie to proove that he was Clerk, seeing he designs himself so by his subscription, yet the same is made manifest by an act mentioned in the third book, in the time

of Master James Richie, who succeeded him in the said office, and his hand-writ was acknowledged by sundry old men in the ministry.

II. The uniformitie of his subscriptions through both volumes, evident by ocular inspection above the ordinarie custome of most famous Notars, delivers the same from all suspicion, in facto tam antiquo.

III. There be many coppies, specially of generall acts, yet extant, which do not debord from the saids registers, but are altogether agreeable thereto.

III. It is constant by the universall custom of this Kingdome, that all registers are transmitted from one keeper to his successour, and so comming by progresse and succession from the first incumbent to the last possessour, are never doubted to be the registers of that judicatorie, whereof the last haver was Clerk; and therefore it is evident, that these books comming successively from John Gray, Master James Richie, and Master Thomas Nicolson, who were all Clerks to the Assembly, into the hands of Master Robert Winrame, who was constitute Clerk depute by the said Master Thomas Nicolson (as his deputation here present to show, will testifie) are the undoubted registers of the Assembly: like as Alexander Blair succeeded the said Master Robert in his place of Clerkship to the assignations and modifications of Ministers stipends; and during Master Robert his life-time, was his actuall servant, and so had the said books by progresse from him, which the said Alexander is readie presently to testifie.

V. The two registers of Master James Richie, albeit not under his own hand, yet are frequently margined with his own hand-writ, and the same marginall additions subscribed by him, which hand-writ is seen and cognosed by famous men, who knoweth the same, and is evident, being compared with his severall writings and subscriptions yet extant.

VI. The saids registers are more perfect, lesse vitiated, scored, and interlined, than any other authentick and famous registers of the most prime judicatories within this Kingdome.

VII. Master Thomas Sandilands, in name of his father, who was late Clerk by dimission of Master Thomas Nicolson, hath produced a volume, which proveth the saids two registers of Master James Richie to be sufficient records; because that same volume is begun by that same hand, whereby the said Master James Richie his registers are written, and is subscribed once in the margine by Master James Richie his hand, and is followed forth, and continued in the same book by Master Thomas Nicolson, who succeeded him in the place, and was known by most men here present to be of such approven worth and credit, that he would never have accomplished a register which had not been famous and true: and whereof the hand-write had not then been known to him sufficiently.

VIII. That Register produced by Mr Thomas Sandilands, and prosecuted by Master Thomas Nicolson, proves the first part of that register to be true and famous, and that first part being by ocular inspection of the same hand-writ, with Master James

Richies registers, and subscribed in the margine with the same hand-writ, proveth Richies two books to be good records, and Richies registers doth approve Grays books by the act of Assembly before written: specially considering the same hath come by progresse and succession of Clerks, in the hands of Alexander Blair, now living, and here present.

IX. The compts anent the thirds of benefices between the Regent for the time, and the Assembly, in the second volume, page 147, are subscribed by the Lord Regents own hand, as appeareth: for it is a royall-like subscription, and there is no hand writ in all the book like unto it, and beareth not *Sic subscribitur*, which undoubtedly it would do, if it were a coppie.

X. Master James Carmichell was commanded by the Generall Assembly 1595, Sess. 9. in the book produced by Master Thomas Sandilands, to extract the generall acts forth of their books; and it is evident that these books are the same which he perused for that effect, because he hath marked therein the generall acts with a crosse, and hath designed the act by some short expression upon the margine, which is cognosced and known to be his hand-writ, by famous and worthy persons: which is also manifest by the said Master James his band and subscription, written with his own hand in the last leafe of the said books; as also acknowledged in the said book, produced by Master Thomas Sandilands, wherein the said Mr James Carmichell granteth the receipt of these, with some other books of the Assemblies.

XI. The registers produced, are the registers of the Assembly, because in Anno 1586, the Assembly complaineth that their registers are mutilate: which hath relation to Richies third book, which is lacerate and mutilate in divers places without any interveening of blank paper, or any mention of his deed.

XII. If these were not principall registers, the enemies of the puritie of Gods worship, would never have laboured to destroy the same: which notwithstanding they have done; as appeareth by the affixing and battering of a piece of paper upon the margine, anent a condition of the commission not to exceed the established discipline of this Kirk, subscribed by the Clerk, book 3, page 147. And the blotting out the certification of the excommunication against Bishop Adamson, book 4, page 30, who in his Recantation generally acknowledgeth the same: but which, without that recantation, cannot be presupposed to have been done, but by corrupt men of intention to corrupt the books, which were not necessary, if they were not principall registers.

XIII. In the Assembly 1586, the Church complained upon the Chancelour his retention of their registers, and desired they might be delivered to their Clerk, which accordingly was done; as a memorandum before the beginning of the first book, bearing the redeliverie of these foure books to Master James Richie, Clerk, propoerteth; which clearly evinceth that these foure books are the registers of the Assembly.

XIII. The said fifth book and greatest volume, is also marked on the margine, with the hand-writ of the said Mr. James Carmichell (which is cognosced) who was appointed to peruse the books of the Assembly as said is, and would not have margin-

ed the same by vertue of that command, nor extracted the generall acts out of it, if it were not an approbation thereof, as an authentick and famous book.

XV. The said fifth volume doth agree with the other foure books, in all which is extant in them, and marketh the blanks, which are lacerate and riven out of the same ; and compleateth all what is lacking in them.

XVI. In the book of Discipline pertaining to Master James Carmichell, subscribed by himself, and Master James Richie, there are sundry acts and passages quotted out of the said fifth great volume, saying, It is written in such a page of the book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other ; so that Master James Carmichell reviser of the Assembly books, by their command, would not alledge that book, nor denominate the same a book of the Assembly, if it were not an authentick famous book.

XVII. Though the corrupt nature of man hath been tempted to falsifie particular evidents, yet it hath never been heard that any whole register hath ever been counterfeited ; neither can it be presupposed that any will attempt that high wickedness, seeing the inducements answerable to that crime, can hardly be presupposed.

XVIII. It is certain, and notour to all these who are intrusted with the keeping of the publick records of the kingdome, that the same are never subscribed by the Clerk, but only written and filled up by servants, and most frequently by unknown hands. yet they and the extracts thereof make public faith, and the same are uncontrovertedly authentick registers ; and when the most publick registers of the kingdome shall be seen, and compared with these registers of the Assembly, it shall be found that these other registers of the most soveraigne judicatories ever unsubscribed are more incorrect, oftner margined, scored, and interlined, made up by greater diversitie of unknown hand-writs, than these books of the Assembly, which by speciall providence are preserved so intire, that in the judgement of any man acquainted with registers, they will manifestly appear at the very sight to be true, famous, and authentick.

XIX. The fame and credit of ancient registers in this kingdome, is so much revered, that if any extract be different or disconforme from the register, that extract, albeit subscribed by the person who for the time had been of greatest eminence in the trust of registers, will be rectified, conforme to the register, and have no force, so far as it debordeth there-from ; although the registers be written with an obscure, unknown hand, and unsubscribed.

II.

IN THE GENERAL ASSEMBLY HOLDEN AT EDINBURGH, A.D. 1639.

Sess. 18. 26. August 1639.

ACT APPROVING AN OLD REGISTER OF THE GENERALL ASSEMBLY.

The whole Assembly (upon the report made to them anent the old Register of the Assembly, gotten from Master John Rig) All in one voice approved the said Register, And ordained the same to make faith in judgement, and out-with, in all time coming, as a true and authentick Register of the Kirk of Scotland, conforme to the testimonie subscribed by the Committee, to be insert in the Books of Assembly: whereof the tenor followeth;

WE under-subscribers, Forsameikle as the late Generall Assembly holden at Glasgow, gave power and Commission to us, To peruse, examine, and cognosce upon the validity, faith, and strength of the books and Registers of the Assembly, particularly set down in the Commission given to us thereanent: According whereunto we did carefully view, peruse, and consider the saids Registers, and gave our testimony thereof under our hands, of the validity and sufficiencie of the samine, to the said Generall Assembly. And now having a new Commission given to us from the Generall Assembly now presently convened and sitting at Edinburgh, To peruse, examine, and cognosce upon the validity, faith and strength of another Register of the Assembly, which was not set down and recommended to us by the said former Commission, which Register beginneth at the Assembly holden at Edinburgh the sixth day of March 1572, and endeth at the Assembly likewise holden at Edinburgh 1573; We have carefully viewed, perused, and considered the said Register: And being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our consciences declare to the world, and this present Assembly, That the said Register above exprest, is a famous, authentick, and good Register, which ought to be so reputed, and have publike faith in judgement and outwith, as a valid and true Record in all things, And finds the same to be of the same hand-writ, and subscribed by the same Clerk of the Generall Assembly, as divers of the said other Registers (formerly perused by us) are. And in testimonie of our solemne affirmation we have subscribed these presents with our hands, at Edinburgh the day of August 1639.

III.

EXTRACTS FROM THE PROCEEDINGS OF THE COMMISSION OF THE GENERAL ASSEMBLY
1651.Perth, 4 Ja^{ry}. 1651. Ante meridiem.

ACT CONCERNING THE SECURING OF THE REGISTERS.

The Commission of Assembly being desyred by my Lord Register in his letter, and by the Clerk, to consider what they thought fitt to doe with the Registers of the Kirk, which for securitie were putt in the Castle of Edinburgh, seing that hold was now surrendered to the Enemie: And they having taken it into consideration, doe appoynt the Clerk with all diligence to bring the Registers over to this syde of the water, that they may be once out from the enemies hands: And thereafter that he, with advyse of the Moderator and the Lord Register, take some course for their securitie and preservation in this tyme of danger; committing it to their special care; and that report be made thereof at the next meeting. (Minutes, p. 160.)

(LETTER FROM SIR ARCHIBALD JOHNSTON, LORD CLERK REGISTER,
ABOVE REFERRED TO.)

RIGHT REVEREND,

The parlment commands me to taik their Registars to Stirling Castel, tho I think they would be saifer in Dumbarton Castel, or in the Basse, provyding they be weal garrisoned and victualled. I desyre to know the advyce of the Commission whair to putt the Registers of the Kirk, as may lead most to their preservation and my exoneration: so leaving all vther things to the bearer, I rest, your humble servant,

A. JOHNSTON.

Edinburgh, 30th December [1650.]

To the Right Reverend Mr Robert Douglas, Moderator of the Commission
of the General Assemblie, at Perth.

Sanct Androis, 24 Ja^{ry} 1651. Post meridiem.

ACT FOR SECURING THE REGISTERS.

The Commission of the Generall Assembly vnderstanding by the Clerk that the Kirk Registers which were in the Castle of Edinburgh, were now brought to this side of Forth, according to a former order; and that it is the earnest desire of the Lord Register by his letter, and of the Moderator and Clerk, to whom the care of securing them was committed at the last Meeting: That now the Commission would themselves prescrive what they thought fitting to be done for their security and preservation in this tyme of danger: Therefore they doe appoynt them to be putt in the Basse, to be preserved there; and the Laird of Wauchton, to whom that strength belongs, being personallie present, most gladdie offered to receave them, promising his outmost care to secure and preserve them from all danger. (Minutes, p. 212.)

FALKLAND. 23 Aprile 1651. Post meridiem.

ACT FOR THE KIRK REGISTERS.

The Commission of Assembly having heard by the Clerk, that according to their former order, he had putt the Kirk Registers in the Basse; onlie the great volume, which is a double of sundrie of the old Registers, he had not putt there by the advise of the Lord Register, conceaving it was more fitting, sieing it was a double, and made an authentick Register at Glasgow, that it should rather be putt in some other sure place, than to be kept in the same place with the remanent books and registers. The Commission of the Assembly being verie glad and well satisfied that the Registers were now, in this time of trouble and danger, in the Basse, doe approve well thereof, and of the advice given by the Lord Register, and the course taken by the Clerk, for keeping that great volume, which is an authentick double of the Acts of diverse Assemblies, from the remanent Registers, to be putt in some other sure place: And do appoynt the Clerk to putt the same in Dunottar, to be kept there safely: And that the Moderator speak or writt to the Earle Marschall, that his Lordship may be pleased to give order for receaving and securing thereof in that place carefullie. (Minutes, p. 317.)

IV.

EXTRACTS FROM THE PROCEEDINGS OF THE SYNOD OF LOTHIAN AND TWEEDDALE,
1593—1595.

AT THE SYNOD OF LOTHIAN AND TWEEDDALE, HELD AT DALKEITH, 3 APRIL 1593.

Sess. 3^{da}. iiij Aprilis 1593.

TRYELL OF THE PRESBYTERIE OF HADINGTONE.

Item being accusit that sum of thair brether, and in speciall, Mr James Carmichel, had nocht made the exerceis sen the last Assemblie, answerit: That Mr James was continewellie burthenit with the common cause of the kirk, quhairunto be the kirk he was employit. The Assemblie, (i. e. The Synod) finding his imployment in the common turnis to haif drawin him away from the discharge of his awin calling, dischargis the said Mr James of the samin, and ordains that he awaitt vpon the cure of the kirk of Hadingtone.

Ordanis Mr James Carmichel to collect the Acts of the Generall Assemblie, that euerie brother may haif the copie of thame.

AT THE SYNOD, &c. AT EDINBURGH, 2D OCTOBER 1593.

Sess. 3^{ta}. 3 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining Mr James Carmichell, according to his promeis, to collect the Acts of the Generall Assemblie, that euerie brother may hawe the copie of thame: And the brether of that Presbyterie [of Hadingtone] reporting that thai vnderstand Mr James to be diligent in that wark, it is ordanit that thai trawell with the said Mr James to perfyte the wark.

AT THE SYNOD, &c. AT DUNBAR, 3D APRILIS 1594.

Sess. 3^{da}. 3 Aprilis.

Anent the ordnance maid in the last Assemblie, ordaining the brether of the Presbyterie of Hadingtone to trawell with Mr James Carmichell, for collecting the Acts of the Generall Assemblie: According heirunto the said brether declaring that thai had trawellit with the said Mr James, quha had the said Acts in reddines: It is ordanit that he present thame to the Presbyterie of Edinburgh.

AT THE SYNOD, &c. AT EDINBURGH, OCTOBER 1594.

Sessio 3^{ta}. 2 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining thair brother Mr James Carmichael according to his promise to have the extract of the Acts of the General Assemblie and to present thame to the Presbytrie of Edinburgh. According herevnto the said Mr James declairing that the said Acts wer in reddines gif he had the help and assistance of a wryter to help him in the wark. The Assemblie appointis the brether Thomas Greg and Daniel Wallace to assist and help the said Mr James in vryting and thairefter that the said Mr James present the said Acts to the Presbytrie of Edinburgh betuix and Februar nixt.

AT THE SYNOD, &c. AT MUSSILBURGH, APRIL 1595.

Sessio 3^a. 2 Aprilis.

Anent the ordnance maid in the former Assemblie ordaining Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the Acts of the Generall Assemblie. According heirvnto the said Mr James declaring that he had perfyttit twa warks, the thrid remanit, quhilk he producit before the Assemblie. Quhilk being sichtit, It is ordainit that he do quhat lysis in him to perfyte the haill wark betwix and the nixt Generall Assemblie, and for this purpos the brether appointit in the former Assemblie to assist him in vryting.

AT THE SYNOD, &c. AT EDINBURGH, OCTOBER 1595.

Sessio 4^a. (9 October.)

Anent the ordinance maid in diuers assemblies of before ordaning thair brother Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the acts of the Generall Assemblies. According heirvnto the said Mr James being inquirytt quhat he had done in the said wark, declairit that as yet he had not perfytit the same, the Assemblie desyritt that he wald do quhat lay in him to perfyte the same ; and hes appoyntit thair brether Thomas Greg and Daniel Wallace to help him in vryting.

V.

EXTRACTS FROM THE PROCEEDINGS OF THE SELECT COMMITTEE OF THE HOUSE OF
COMMONS ON CHURCH PATRONAGE, 1834.

Mercurii, 23^o die Aprilis, 1834.

Resolved,—That Mr. A. Johnston, the Reverend Dr. Lee, the Reverend Dr. Welsh, Mr. James Chalmers, of London, and the Reverend Principal Macfarlane, be requested to proceed to Sion College, London Wall, for the purpose of inspecting the books presented to the trustees of that College by the late Mr Campbell, and to report to this Committee if in any or in what degree, these books afford information connected with the inquiry on Church Patronage in Scotland.

(signed) *Geo. Sinclair*, Chairman.

Veneris, 25^o die Aprilis, 1834.

The Rev. *John Lee*, D.D., again called in; and examined.

Since I had formerly an opportunity of giving evidence before the Committee, I have had access to the Records of the Church of Scotland in Sion College, London, and I am fully satisfied that those volumes (which I am quite certain are authentic records) contain a great mass of information in a more complete and certainly in a more correct form than anything that has been exhibited in any of the publications upon the subject which I have ever seen. In particular, I may state that there are some of the proceedings of the Assembly, or rather Convention, of 1562, which have for at least 100 years been a matter of dispute; one entry has been quoted by several authors with relation to the Bishop of Galloway, Mr. Alexander Gordon, who, it is said by Calderwood, was refused admission to the office of superintendent because he had not observed the order of calling superintendents, and in the meantime was required to subscribe the Book of Discipline. That any such order was communicated to him has been strongly denied by some of the controversial writers upon the subject, and not without reason, because the book, which in Scotland was looked upon as the transcript of an authentic record of the Church, does not contain any such fact.

At the same time, I may now state with confidence, that this particular is inserted in the Record of the Church, though not by any means in the form in which it has been quoted by different writers. I perceive that there are other entries on the same subject which are much more detailed in those volumes than they are in any of the books in the possession of the Assembly; but from the short time during which I had an opportunity of inspecting the volumes, I cannot be expected now to furnish any particulars of importance. I merely refer to these books as sources from which authentic information may be derived.

At what period does the date of that book commence, and to what period does it extend?—It consists of three volumes; the first begins with the first General Assembly of the Church of Scotland in 1560, and ends in the year 1589; it contains nearly 1,300 pages, each of which is more crowded with matter than a page of this book which I now hold in my hand, and the number of pages in this book, extending to the same period, is about 380. The second volume begins with the year 1590 and ends in March 1596, or according to our present computation, 1597. The third begins with May 1597, and ends in August 1616. These books embrace the whole period between 1560 and 1616. Here is an abstract of the contents of the whole books made before they were deposited in Sion College; it contains a fac-simile of the manner in which the books are attested both at the beginning and end.

Can you produce the Report of the Committee appointed to inspect the books belonging to Sion College?—This is the Report, which I now beg to give in.

[*The Witness delivered in the same, which was read, as follows :*]

London, 24 April 1834.

In obedience to the order of the Committee of the House of Commons on Church Patronage, Scotland, we have this day, within the Library of Sion College, London Wall, inspected three books, in manuscript, bearing to be records of the proceedings of the General Assembly of the Church of Scotland, from 1560 to 13 August 1616. We have also read the deed of agreement, by which said books were gifted by Mr. Archibald Campbell to the trustees of Sion College; and we crave leave humbly to report, 1st, That in our opinion, these Records are the genuine and authentic register of the proceedings of the General Assembly of the Church of Scotland, for the above period; and, 2d, That they contain much information connected with the enquiry on Church Patronage in Scotland.

*And^w Johnston. John Lee.
D. Macfarlan. Ja. Chalmers.*

Perhaps I may be allowed to state in addition, that the Committee were at pains to compare the earliest and most important volume with a document which I formerly produced before the Committee, containing, along with other matters, the Book of

Discipline, which belonged to Mr. James Carmichael, minister of Haddington. This document is referred to in the Acts of the General Assembly, 1638, in which the reasons for considering that earliest volume an authentic register are inserted; and not only did the book appear to be in the hand-writing which is stated in the Acts of the Assembly to be at least partly found in it, but it likewise contained passages which are there said to be found in particular pages marked by Mr. James Ritchie, the Clerk of the Assembly. The passage is very remarkable, but it would detain the Committee perhaps to mention it, though if any report is to be given upon the subject it might be material. It is stated in the printed Acts of the General Assembly, 1638, that what is called "the 5th book and greatest volume is marked on the margin with the hand-writing of Mr James Carmichael, which is cognosed, who was appointed to peruse the books of the Assembly, and would not have margined the same by virtue of that command, nor extracted the general acts out of it, if it were not in approbation thereof as an authentic and famous book. In the Book of Discipline pertaining to Mr. James Carmichael, subscribed by himself and by Mr. James Ritchie, there are sundry acts and passages quoted out of the said 5th great volume, saying it is written in such a page of the Book of Assembly, which agreeth in subject and quotations with the said fifth book, and cannot agree with any other; so that Mr. James Carmichael, reviser of the Assembly Books by their command, would not allege that book, nor denominate the same a book of the Assembly, if it were not an authentic famous book." Now this little volume to which I have referred contains references to pages 839, 873, and 828, all of which on comparison were found to correspond with that earliest record.

Have you any further particulars to communicate collected from the inspection of the books at Sion College?—No, I think that nothing occurs to me, except that the second and third volumes are subscribed in a hand-writing which is well known to me, that of Thomas Nicolson, who was long Clerk of the Assembly; and on a former occasion I had an opportunity of comparing the hand-writing of that individual with the hand-writing which is upon these two volumes.

Veneris, 2^o die Maii, 1834.

The Rev. Robert Watts, junior, called in and Examined.

Have you any communication to make to the Committee with regard to the order that was transmitted for sending the books at Sion College to this Committee?—I was directed to give the Committee this paper for their inspection.

[*The Witness delivered in the same, which was read, as follows :*]

At a Meeting of the Governors of Sion College, holden on Thursday, the First day of May 1834 ;

Present—The Rev. Mr. Burgh, President ;
 Mr. Bellamy, }
 Mr. Saunders, } Deans ;
 Mr. Beresford, Assistant :

The Secretary stated, that he had summoned this court in consequence of the Rev. Robert Watts, junior, Assistant Librarian having received a summons from a Select Committee of the House of Commons on the Patronage of the Church of Scotland, to produce the three volumes of the Book of the Church of Scotland, gifted by the late Mr. Archibald Campbell, and also the deed of gift of the said books.

Upon which the Court took this matter into their consideration ; and the deed of gift being read,

It was resolved,

That this Court are extremely anxious to comply with the order of the Committee of the House of Commons, so far as is consistent with the trust under which they hold the books, and are therefore willing that any inspection of them should take place, and that a transcript should be made of the said books by such persons as the Committee may appoint, but that the deed of gift expressly restricts them from parting with the custody of the books themselves.

That the Rev. Mr Watts, junior, do attend the said Committee to-morrow, and produce to them the deed of gift ; and humbly express to them the opinion of this Court, which has been corroborated by that of Sir Nicholas Tindal when solicitor-general ; and that this Court trust the Committee will not compel them to part with the custody of the manuscripts, in express violation of their trust.

Have you any thing further to state to the Committee upon this subject ?—With regard to the deed of gift, just at the conclusion of it, the Committee will observe, that the copies are directed to be made in the Library ; that is the part upon which the directors found their desire not to give them up. It is implied, at least their legal advisers say so, that they are not to let them go out of the Library.

[*The Witness withdrew.*]

The Witness was again called in, and informed that the Committee had resolved that the books should be produced on Monday next.

Lunæ, 5^o die Maii, 1834.

The Rev. Robert Watts, Junior, called in, and further examined.

Will you produce the books which you were ordered to produce on the last occasion?—These are the books.

Will you have the goodness to state what those books are which you produce?—Manuscript Records of the Kirk of Scotland.

How many volumes are there, and of what date?—Three volumes; from 1560 to 1619.

[*The same were delivered in.*]

[*The Witness withdrew.*]

The Witness was again called in and informed, that the Committee wished the books to lie upon the Table for their inspection, and that the Committee would send to him when they wished them to be returned.

VI.

THE FOLLOWING LIST OF THE ORIGINAL BOOKS OF THE GENERAL ASSEMBLIES OF THE CHURCH WILL SERVE TO EXHIBIT IN ONE VIEW THEIR DATES AND HISTORY.

- | | |
|------------------------------------|-----------------------------------|
| 1. Dec. 20, 1560 to Dec. 28, 1566. | } Produced in 1638 by Warriston. |
| 2. June 2, 1567 — Aug. 9, 1572. | |
| 3. March 6, 1572 — March 6, 1573. | Produced in 1639 by Rigg. |
| 4. Aug. 7, 1574 — July 1579. | |
| 5. July 12, 1580 — Oct. 1583. | } Produced in 1638 by Warriston. |
| 6. May 10, 1586 — March 1589. | |
| 7. Aug. 1, 1590 — May 17, 1597. | } Produced in 1638 by Sandilands. |
| 8. March 7, 1597 — Aug. 13, 1616. | |

Of these eight Original volumes, the four recovered by Warriston and produced to the Assembly 1638, viz. the first, second, fifth, and sixth, and that produced by Rigg in the Assembly 1639, being the third of the series, have not been traced beyond their transfer from the Bass to the Tower of London. Of the fourth original volume, no trace whatever has been found. In the Assembly 1638, it was evidently conjectured or supposed to be in the possession of Archbishop Spottiswood. The two original volumes, viz. the seventh and eighth, obtained by Sandilands from the Archbishop, and produced to the Assembly 1638, together with the large duplicate volume, recovered by Warriston, were certainly those ultimately destroyed in 1834.

VII.

DOCUMENTS REFERRED TO IN THE PREFACE, PAGE IX.

1.—LETTER FROM MR WILLIAM GRANT OF PRESTON-GRANGE, PROCURATOR OF THE CHURCH, MAY 3, 1733.

To the very Reverend Moderator of the General Assembly of the Church of Scotland at Edinburgh.

REVEREND SIR,

The Commission of the last General Assembly, by their Act of the fourteenth of March last, did appoint me to take a view of a Manuscript of the old Acts of Assembly, and if I judged them true and authentick, to cause the same to be transcribed.

In obedience to this appointment, I have several times view'd the Mss. and conferred with Mr Campbel, the Proprietor of them; but neither can I take upon me to judge whether they are true or authentick, tho to be copyed I think they would well deserve. But the Gentleman insists on other conditions than were at first explained or made known to the Commission, or to me till I saw him here. All therefore that I can do, is to explain as well as I can at a distance, what these Mss. are, and upon what terms we can have the Mss. or a Copy of it; and then the General Assembly may judge what shall be done.

To give you some view of the contents of these Books, which are three Volumes, one greater, and two smaller, and all in Folio, I have employed one to take a note of the several Assemblys, their date of commencement, and number of Sessions, and the time appointed for the meeting of the next Assembly, as oft as that is found in the Mss. And a great part of this Abstract I have myself compared, and corrected by the Mss. itself, and the rest caused to be done by another than the transcriber. He has likewise set down the words prefixed and subjoined to the great Volume, which appears to be signed by A. Johnstoun of Waristoun; and the Title prefixed to the 2d Volume; and the names of Moderators; and the places where subscriptions appear in the Mss. This was the best view that I could think of giving, such as could be sent in a letter. Any account or abstract of the contents or matters of the Acts themselves would have been bulky, and required time to prepare.

The subscriptions appear to me to be true and original. Those of Waristoun to the first Volume I compared with three other authentic Subscriptions of his, fur-

nished by his son the Secretary; and with these the Mss. agrees, except in the (hon) h*, which is thus writ in the Book, tho the others have no such tail subjoined; yet the air and appearance agree together; and perhaps that singularity was added to his Office-Subscriptions, to distinguish these from his ordinary ones. The other two Volumes are both signed by T. Nicolson; but I had nothing to compare these with, tho they have likewise the appearance of originals.

Such are these Mss. and upon them the Hon. Mr Archibald Campbell, the owner, sets a very high value; and declares his resolution, that if he shall not part with them, or publish them in his own lifetime, he will take care that they shall be carried out of this Kingdom, where they cannot be come at, after his decease.

His present Resolutions and demands are these:

That in case encouragement shall be given for printing the Mss. he will then allow it to be copied in order to Publication, and not otherwise.

That the General Assembly shall be at the charge of making a Copy for the Press, which will cost about £30 St^g.

That being published, the General Assembly may retain the Copy that shall be so made, and collated with the Original; and shall further have the refusal, or first offer of the Original Mss. itself, they being willing to give him the same price for it, that he can get from any other person.

What will be encouragement sufficient for printing it, you'll see by Mr Millar the Bookseller's Proposal; and it is in case 300 Subscriptions shall be obtained in Scotland.

At the same time, it is not meant or desired that the Publication should be by authority of the Church, as if these were cognosced and judged authentick Registers; but merely as the act of the private Proprietor of the Mss.

Mr Campbel thinks, that for the Mss. itself, even after it is printed, he can get a hundred Pounds St.

Thus I have laid before you the case as it stands, and shall not presume to offer any opinion. The Mss. appears to be valuable, and well worth having, either the Principal, or an Authentick Copy, if it could be had on reasonable terms. And the question to be determined is, Whether the value of this, or the difference betwixt this and such other Mss. as we have already in Scotland, be worth the purchasing on the terms above mentioned.

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I am, with great respect,
REVEREND SIR,
Your most Humble and most Obedient Servant,
WILLIAM GRANT.

London, May 3d 1733.

* See fac-simile of Wariston's signature, page XLVI.

2.—PROPOSALS FOR PRINTING BY SUBSCRIPTION—THE ACTS OF THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND FROM THE REFORMATION TO 1616 INCLUSIVE, IN 2 VOLS. IN FOLIO.

- I. This Book will contain about 200 Sheets, and will be printed on a good Paper and Letter.
- II. The Work shall be put to the Press so soon as 300 Copies are subscribed for, and it shall be Published in Six Months after such a number is procured.
- III. The Price to Subscribers to be 2d p Sheet, but as the number of Sheets it will make is uncertain, half a Guinea is proposed to be paid down, and the Remainder on the Delivery of a Book in quires.
- IV. Those who subscribe for Six shall have a Seventh Gratis.

N.B. The Names of the Subscribers shall be Printed before the Work.

Subscriptions are taken in by And^r Millar Bookseller, against St Clement's Church in the Strand, London: and by Gavin Hamilton, Bookseller in Edinburgh.

3.—MR WODROW'S LETTER ANENT REGISTERS. OCT. 29, 1733.

DEAR SIR,

Yours of 10 did not reach me till the 17. I have carefully perused all the Papers you so kindly send me, and have collated the Table which I see hath 2 or 3 errors in it,—John Hay for George Hay, and some others. The abstract gives some more light; but if it had noticed the first and last words of every Session, it would have afforded much more.

Now I am satisfied, The Record in Mr Campbells hands, is distinct and a different copy from these we have in Scotland: But whether the differences be so considerable betwixt them as to answer the high price he sett's on his Mss. I cannot yet judge. Indeed I hesitate much upon it.

Before I come to give you the defects I observe in my copy, which I suppose agrees very much with that Dr Fraser sent down, and the 5 or 6 others we have, let me observe from the printed Acts of Assembly 1638, p. 3. line last. Fol. edit. that at that time there were many copys specially of General Acts then extant, which they say agree with the Registers which they are proving to be authentick. Of this kind I take our present copys to be. These Acts of general use were appointed to be extracted by Mr Craig and others about 1592: But whether our copys be that extract I cannot say. They seem to be very large, and contean many things as to particular persons, one would think are of no general use.

The observations that offered themselves to me, upon collating the large Abstract

and short Table with my copy are these. The adjournments in the Record are pretty often wanting in the copy. The Moderators alwise agree. The Title of the Assemblys differs more in words then in sense as far as the Abstract goes. The Record generally leaves out Superintendants, Ministers, and Commissioners from Shires and Countrys, which is pretty often in the Title of the copy. Two things make the Table the more useless to me in this collation. The Copy pretty often agrees in the number of Sessions; but then it leaves severall of them. It will have Sess. 1 & 3 & 6. and yet they agree in the totall number; and its probable from the Abstract 1562, that Sessions in one Assembly are putt together, without numbering; and perhaps the Table is taken from the last number of the Record, and may want some of the intermediat Sessions. Some of the differences I have observed between the Record and Copy are as follow.

Ass. 1563, Decr. 25, Session 2d is wanting in the Copy.

— 1564, June 25, Session 3d is wanting in the Copy.

In both these the Mss. Calderwood hath extracts which the Copy wants. From this and Calderwoods numbering every Assembly exactly the same way with the Table, I guess Calderwood hath made his extracts from the Records.

Ass. 1567, July 21. Sessio 4 & 5 wanting in the Copy.

Calderwood hath extracts out of the 5 Session.

Ass. 1567, Dec. 25. 6 & 7 Sessions wanting in the Copy.

Calderwood hath extracts from both.

Ass. 1568, Feb. 25. The dates of the dayes of the Sessions differ, and the Copy wants Sess. 6. which Calderwood hath extracts from.

Ass. 1569, July 4. Sessio 4 is wanting in the Copy.

Calderwood also hath extracts from it.

Ass. 1569, March 1. The Copy wants Sess. 4 & 5. 6.

which Calderwood also gives extracts from.

Ass. 1570, July 5. Sess. 6, is wanting in Copy.

— 1570, Mar. 5. Sess. 6, is wanting in Copy.

— 1570, (1571) Aug. 6. Sess. 3 & 4 wanting in Copy.

— 1571, Jan. 12. Sess. 4, 5, 6, wanting in Copy.

— 1571, March. Sess. 4 wanting in Copy.

— 1572, August. Sess. 4 wanting in Copy.

— 1572, March 6. Sess. 2, 4, 5, wanting in Copy.

Calderwood gives extracts of some of these, but not alwise. About this time Bishop Adamsons lacerations begin.

Ass. 1572, August 6. Sess. 4 & 5 wanting in Copy.

— 1573, March 6. Sess. 2, 4, 6, wanting in Copy.

— 1574, August 7. Sess. 4 & 5 wanting in Copy.

Here the Abstract ends. I doubt the Table is not so exact. However in what follows, I notice these differences.

Ass. March 1574. Copy wants Sess. 2, 3, 4, 5, 6, 7. This I imagine is one of Adamsons tearings.

In severall Assemblys the Record hath a Session or 2 more than the Copy, as Ass. 1575, 1578, 1583, 1587, 1591, 1600.

Ass. 1610, The Record hath 5 Sessions. The Copy hath no distinction.

Ass. 1616, Record hath but one Session. Copy hath 18 Sessions. Neither Record nor Copy have the Assembly at Perth 1618. Calderwood hath it.

Upon the whole, I am ready to think, that the differences are not very great between the Record and our Copies; and that Calderwoods Mss. will very much supplye these defect of this. I shall be in better case to write when I collate my Copy with Calderwoods Mss. as I incline to doe this winter, if I recover my further strenth, which is but uncertain, severall lesser tumors rising upon my breast.

Under your correction, and the Committys that have this matter before them, I shall offer my present thoughts upon the whole.

The Great Book now in the Honorable Mr Campbells hands, in my opinion, is the 5 Register which is named Act. Ass. 1638 p : 2 : called the Greatest Volume, and declared free of all prejudice and suspicion, and to be received with credite, as margined by the hand write of the Clerk, and agreeable to the 4 preceeding Books. At first when I read the Abstract you sent me, and observed in your letter that S. Subscribitur is not added to Gray's subscriptions, as in my Copy, I inclined to think this volume to have been the 4 volumes mentioned by the Assembly 1638 bound up in one. But besides Lord Warriston's declaration, that this is the Great Book, that is the Greatest of the 5, and the 5th Register, the division of the Tomes in the Table doth not agree with the volumes mentioned in the Acts of the Assembly 1638. You will see page 2d, that the 2d Register and 2d Tome in the Table end Assembly, August 1572. And the 3d Register lying before the Assembly 1638, conteans the Assemblys from 1574—1579, which is the 4 Tome of the Copy in the Honorable Mr Campbells hands. And in the Registers before the Assembly 1638, there is a gap between 1572 and 1574, which youl see by the Table is made up in Mr Campbells Record, Tome 3d. So that its impossible this Record can be the same with the 4 volumes lying before the Assembly 1638, and declared to be famouse, authentick and good Registers by them: Besides in the Table the 5 Tome conteans the Acts of Assemblys from 1579 to May 10, 1586, which are wanting in the 4 volumes of Registers before the Assembly 1638: And so this greater volume conteans these years which were not in the authentick Registers; and then the 6 Tome comes in as the 4 volume of Registers before the Assembly 1638: So that I am pretty positive this Record is not the authentick 4 volumes of Registers, but the greatest volume the Assembly 1638 speaks of. All which is confirmed from the description given, Acts of Assembly 1638, p. 3 a medio, " That this greatest volume conteans the Acts from 1560—1590, and agrees with the 4 Books and Registers, as farr as is extant in

them ; and further recordeth what is wanting by them, passing by what is mutilat in them ;" that is Bishop Adamsons tearings.

These remarks, I think, settle the point, that Mr Campbells Record is not the Principal Authentick Acts before the Assembly 1638, but a Copy of them signed on the Margine by Mr James Ritchie, the Clerk, and copied by his servant, which are declared by Assembly 1638 to be conform to the Registers, and free of all suspicion, and deserving credite.

When I am upon this, youl be pleased to inspect the Copy Dr Fraser sent down to Colledge, and particularly the subscription. I mind on my transient view of it, its signed Nicholson : But I dont mind, whether it be James Nicholson or Thomas Nicholson. If Thomas Nicholson, I make little question but its a Copy taken off the originals then in their hands, by that Gentleman who was 3d Clerk to the Assembly. If James Nicholson, he was Moderator of the Assembly 1595 ; and it may be, hath been a copy taken for his use at that time. You can only judge of this by ocular inspection.

However this be, I am of opinion, this ought to be signified in your correspondence with the Honorable Mr A. Campbell, that his Record is not the original Registers before the Assembly 1638 ; but only the Greater Book, which is declared worthy of credite : because they collated it with the Original Records. This ought at least to bring down his very high demands, for his Mss. the wanting of S. Subscibitur to Grayes subscription will not ballance what is above, and might be a slip of the Transcriber.

Allow me only to add, that before you can deal with Mr Campbell to any purpose, either your Copy taken off Dr Fraser's must be sent up to London, to be carefully collated by some body of sense with Mr Campbells Record, and the differences carefully marked ; at least the first sentence and last of every Session that your Copy wants, should be sett down, if Mr Campbell will allow : or Mr Laudon, or any youl imploy, must go through your Copy, and give the Assemblys with their dates, and the first and last words of every Session, with the first and last words, or at least the Tittles of the Principal Papers conteaned in the different Assemblys. For instance, Assembly, April 24, 1581, the 2d Book of Discipline is insert. Assembly, May 10, 1586, a list of Presbitrys through Scotland is insert. Assembly 1590, Agust 4, the list of the members of Assembly are insert. By this collation Mr Campbell will not be wronged, and you will be in case to judge the true value of his Record.

When this is done, if the difference be but trivial between our Copyes and his, and especially if we can make them up from Calderwoods Mss. History, I cannot say I would be for giving him above 40 or 50 Pound for his Record, since he will see our Copys are not farr short of it. So much, had we money to give, I wish were given to have one of the Registers approven by the Assembly 38.

If it come out otherwise, then other methods must be taken with an old poor man

not very friendly to our Constitution, and in his oppinions already farr gone over to Rome.

In no case I would be for printing the Record, except it were revised by a Com-mitty named by the Assembly ; and such things as are not of general use be left out. I gave you my reasons for this when here. There are Acts contradicting one another, and many things unfitt for the public view. And no wonder when the Church was but just emerging from Popish ignorance and confusion ; and it was 20 years before Presbitrys were established ; and 9 before any regulation was made, who should be members ; and generally all came who were Ministers, and well affected to the Reformation, who wer of any rank.

I would be much rather for a collection for the summ that shall be agreed on with Mr Campbell for his 3 volumes. And I hope we are not so low but 2 or 3 hundred Pound might be gathered from Ministers and well disposed persons at Guineas a peice, with a promise of a Copy of the Acts of Assembly of generall use, when the Assembly sees fitt by their orders to print them, which I think might be done. And our friend A. Millar, who hath made this discovery to us, should be considered in that matter. I fear the Churches funds are so much embarrassed, that little can be hoped for from them.

If Mr Campbell should be unreasonable in his demands, what offers to me under correction is, that propper hands should be imployed to deal with Secretary John-stoun, that the state of the matter should be laid before him ; and the Churches claim upon these 3 volumes of Records, signified to him ; and even our claim upon him as his father's Representative, for what belonged to the Assembly, and is attested by his father in the Churches name. His claim on Mr Campbell might likewise be urged. In that case, the Secretary might easily deal with Mr Campbell in concert with you here.

All this is proposed in much submission to your better judgement. I only mention these things as hints which may open the dore to somewhat more ripe and digested from you and the Com-mitty which have this matter before them. I know you will take all as well meant, and make allowances.

Allow me to subscribe myself, D^r Sir,

Your most Humble
And Aff^{ct} Servt.

Eastwood Oct 29
1733.

RO. WODROW.

VIII.

A TABLE OF THE GENERAL ASSEMBLIES OF THE CHURCH TAKEN FROM THE ORIGINAL
REGISTERS, AND REFERRED TO IN THE PRECEDING LETTERS.

“The buik of the vniuersall kirk of Scotland quhairin the Acts and Conclusiones devisit be the Ministaris and Comissionars of the particular kirks thair of are severally expressed and containid.”

“This is the great volume aprovin be the general assemblée at Glascou in November 1638.”



A SHORT VIEW OR TABLE

Of the Generall Assemblies of the Kirk of Scotland from the year of our Blessed Lord 1560, that she reformed from the Church of Rome, to the year 1617, which was fourteen years after King James the Sixt of Scotland's Accession to the Crown of England, taken from the original authentick approved Records of the Kirk for 56 years ; in severall of which Assemblies King James was personally present.

Assemblies.	Places.	Day. Moneth.	Year.	Sessions.	Moderators.
Assem. 1,	Edinburgh,	20 December	1560.	3 Sess.	
Assem. 2,	Edinburgh,	27 May	1561.	3 Sess.	
Conv ⁿ .	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 3,	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 4,	Edinburgh,	25 December	1562.	5 Sess.	
Assem. 5,	St Johnstoun,	25 Junij	1563.	4 Sess.	
Assem. 6,	Edinburgh,	25 December	1563.	6 Sess.	Mr John Willock.
Assem. 7,	Edinburgh,	25 Junij	1564.	6 Sess.	Mr John Willock.
Assem. 8,	Edinburgh,	25 December	1564.	3 Sess.	John Erskine.
Assem. 9,	Edinburgh,	25 Junij	1565.	4 Sess.	Mr John Willock.
Assem. 10,	Edinburgh,	25 December	1565.	4 Sess.	John Erskine.
Assem. 11,	Edinburgh,	25 Junij	1566.	2 Sess.	John Erskine.
Assem. 12,	Edinburgh,	25 December	1566.	4 Sess.	John Erskine.

Endis the First Tome.

APPENDIX.

XLVII

Assemblies.	Places.	Day.	Moneth.	Year.	Sessions.	Moderators.
Assem. 13,	Edinburgh,	25	Junij	1567.	4 Sess.	Mr George Buchanan.
Assem. 14,	Edinburgh,	21	July	1567.	5 Sess.	Mr John Row.
Conv ⁿ . 1,	Edinburgh,	18	December	1567.	3 Sess.	
Assem. 15,	Edinburgh,	25	December	1567.	7 Sess.	Mr John Row.
Assem. 16,	Edinburgh,	1	July	1568.	5 Sess.	Mr John Willok.
Assem. 17,	Edinburgh,	25	December	1568.	1 Sess.	Mr John Knox.
Assem. 18,	Edinburgh,	25	February	1568.	6 Sess.	Mr David Lindesay.
Assem. 19,	Edinburgh,	5	July	1569.	5 Sess.	Mr Wm. Christison.
Assem. 20,	Stirling,	25	February	1569.	1 Sess.	Mr John Spottiswod.
Conv ⁿ . 2,	Edinburgh,	1	Merche	1569.	11 Sess.	Mr John Craig.
Assem. 21,	Edinburgh,	5	July	1570.	6 Sess.	Mr Robt. Pont.
Assem. 22,	Edinburgh,	5	Merche	1570.	6 Sess.	Mr John Hay.
Assem. 23,	Stirling,	6	August	1570.	4 Sess.	Mr Gilbert Gardin.
Conv ⁿ . 3,	Leith,	12	January	1571.	6 Sess.	Mr Gilbert Gardin.
Assem. 24,	St. Andrews,	6	Merche	1571.	4 Sess.	Mr Robt. Hamilton.
Assem. 25,	Perth,	6	August	1572.	4 Sess.	John Erskin of Dwn.

Endis the 2 Tome.

Assem. 26,	Edinburgh,	6	Merche	1572.	7 Sess.	David Fergusson.
Assem. 27,	Edinburgh,	6	August	1573.	8 Sess.	Mr Alexr. Arbuthnot.
Assem. 28,	Edinburgh,	6	Merche	1573.	7 Sess.	Mr Andrew Hay.

Endis the 3 Tome.

Assem. 29,	Edinburgh,	7	August	1574.	10 Sess.	Mr John Duncanson.
Assem. 30,	Edinburgh,	7	Marche	1574.	12 Sess.	Ja. ABp. of Glasgow.
Assem. 31,	Edinburgh,	6	August	1575.	7 Sess.	Mr Robt. Pont.
Assem. 32,	Edinburgh,	24	Apryle	1576.	7 Sess.	Mr John Row.
Assem. 33,	Edinburgh,	24	October	1576.	8 Sess.	Mr John Craig.
Assem. 34,	Edinburgh,	24	Aprile	1577.	9 Sess.	Mr Alexander Arbuthnot.
Assem. 35,	Edinburgh,	25	October	1577.	13 Sess.	Mr David Lindesay.
Assem. 36,	Edinburgh,	24	Aprile	1578.	10 Sess.	Mr And. Melville.
Assem. 37,	Stirling,	11	July	1578.	4 Sess.	Mr John Row.
Assem. 38,	Edinburgh,	24	October	1578.	8 Sess.	David Fergusson.
Assem. 39,	Edinburgh,	7	July	1579.	10 Sess.	Mr Tho. Smeton.

Endis the 4 Tome.

Assem. 40,	Dundee,	12	July	1580.	10 Sess.	Mr James Lawson.
Assem. 41,	Edinburgh,	20	October	1580.	13 Sess.	Mr Andrew Hay.
Assem. 42,	Glasgow,	24	Aprile	1581.	10 Sess.	Mr Robt. Pont.
Assem. 43,	Edinburgh,	17	October	1581.	23 Sess.	Mr John Craig.

Assemblies.	Places.	Day.	Moneth.	Year.	Sessions.	Moderators.
Assem. 44,	St. Andrews,	24	Aprile	1582.	14 Sess.	Mr And. Melvill.
Assem. 45,	Edinburgh,	27	Junij	1582.	7 Sess.	Mr And. Melvill.
Assem. 46,	Edinburgh,	9	October	1582.	20 Sess.	David Lindesay.
Assem. 47,	Edinburgh,	24	Aprile	1583.	13 Sess.	Mr Tho. Smeton.
Assem. 48,	Edinburgh,	10	October	1583.	16 Sess.	Mr Robt. Pont.

Endis the 5 Tome.

Tomus 6.						
Assem. 49,	Edinburgh,	10	May	1586.	18 Sess.	Mr David Lindesay.
Assem. 50,	Edinburgh,	20	June	1587.	18 Sess.	Mr And. Melvill.
Assem. 51,	Edinburgh,	6	February	1587.	18 Sess.	Mr Robert Bruce.
Assem. 52,	Edinburgh,	6	August	1588.	14 Sess.	Mr Tho. Buquhannan.

This is the great Volume aprovin be the Gen. Assemblée at Glascou in November 1638.

A. JHONSTON, Cls. Eccl.

Register of the Acts of the Generall Assemblie of the crores and zeiris of God

I^m v^e lxxxx—lxxxvi inclusive Be . . . Clark depute y^{to}.

Assem. 53,	Edinburgh,	4	August	1590.	17 Sess.	Mr Pat. Galloway.
Assem. 54,	Edinburgh,	2	July	1591.	18 Sess.	Mr N. Dalgleshe.
Assem. 55,	Edinburgh,	22	May	1592.	23 Sess.	Mr Rob. Bruce.
Assem. 56,	Dundie,	24	Apyrle	1593.	9 Sess.	Mr David Lindesay.
Assem. 57,	Edinburgh,	7	May	1594.	18 Sess.	Mr And. Melvill.
Assem. 58,	Montrose,	24	June	1595.	9 Sess.	Mr James Nicolson.
Assem. 59,	Edinburgh,	23	Merche	1595.	13 Sess.	Mr Rob. Pont.
Assem. 60,	Perth,	1	Merche	1596.	7 Sess.	Mr David Lindesay.

TH. NICOLSON.

Assem. 61,	Dundee,	10	May	1597.	10 Sess.	Mr Robt. Rollok.
Assem. 62,	Dundee,	7	Marche	1597.	13 Sess.	Mr Peter Blackburn.
Assem. 63,	Montrois,	18	Marche	1600.	9 Sess.	Mr Robert Wilkie.
Assem. 64,	Bruntyland,	12	May	1601.	5 Sess.	Mr John Hall.
Assem. 65,	Holyruidhouse,	10	November	1602.	6 Sess.	Mr Pat. Galloway.
Assem. 66,	Lythgow,	26	July	1608.	8 Sess.	Ja. Law Bp. of Orkney.
Assem. 67,	Glasgow,	8	June	1610.	5 Sess.	John ABp. of Glasgow.
Assem. 68,	Aberdeene,	13	August	1616.	1 Sess.	John ABp. of St. Andrews.

TH. NICOLSON.

IX.

IN THE GENERAL ASSEMBLY HELD AT GLASGOW, 1638.

Act. Sess. 12. December fourth.

THE SIX LATE PRETENDED ASSEMBLIES CONDEMNED.

Anent the report of the Committie, for trying the six last pretended Assemblies: They produced in writ sundrie reasons, clearing the unlawfulness and nullitie of these Assemblies: which were confirmed by the registers of the Assembly, the books of Presbyteries, the Kings Majesties own letters, and by the testimonie of divers old reverend Ministers, standing up in the Assembly, and verifying the truth thereof. The Assembly with the universal consent of all, after the serious examination of the reasons against every one of these six pretended Assemblies apart, being often urged by the Moderatour, to informe themselves thoroughly, that without doubting, and with a full perswasion of minde, they might give their voices, declared all these six Assemblies of Linlithgow 1606 and 1608, Glasgow 1610, Aberdeen 1616, St Andrews 1617, Perth 1618. And every one of them to have been from the beginning unfree, unlawfull, and null Assemblies, and never to have had, nor hereafter to have any Ecclesiastical authoritie, and their conclusions to have been, and to bee of no force, vigour, nor efficacie: Prohibited all defence and observance of them, and ordained the reasons of their nullitie to be insert in the books of the Assembly: Whereof the tenour followeth.

REASONS FOR ANNULLING THE PRETENDED ASSEMBLY, HOLDEN AT LINLITHGOW 1606.

I. From the indiction of it. It was indicted the third of December, to bee kept the tenth of December. And so there was no time given to the Presbyteries, far distant, neither for election of Commissioners, nor for preparation to those who were to be sent in Commission. The shortnesse of the time of the indiction is proved by the Presbyterie books of Edinburgh, Perth, and Hadingtoun, &c.

II. From the want of a lawfull calling, to these who went to that meeting, seeing they were not at all elected by their Presbyteries, but were injoynd to come by the Kings letters. This also is proved by the forsaid books of the Presbyteries, and by his Majesties letters.

III. From the nature of that meeting, which was only a private meeting, or convention, for consultation to be taken by some persons of sundry estates written for, as the Kings letters and the Presbyterie books do acknowledge.

IIII. From the power of these Ministers who were present Their Presbyteries did limitate them: First, That they should give no suffrages in that meeting as a generall Assembly. Secondly, That they agree to nothing that may any wayes be preju-

diciall to the acts of the generall Assemblies, or to the established discipline of the Kirk. Thirdly, That they should not agree to resolve or conclude any question, article, or mater whatsoever, the decision whereof is pertinent, and proper to a free generall Assembly. Fourthly, If any thing be concluded contrary thereunto, that they protest against it. These limitations are clear by the Presbyterie books.

V. The acts of this meeting were not insert in the book of Assemblies, as is evident by the registers.

VI. The next pretended Assembly at Linlithgow, 1608, doth acknowledge the Assembly, whereof Master Patrick Galloway was Moderatour, to have been the last immediate Assembly, preceeding itselſe: and that Assembly whereof he was Moderatour, was the Assembly holden at Haly rood-house, 1602. So they did not acknowledge that meeting at Linlithgow, 1606, for any Assembly at all. This is clear by the registers of the Assembly, 1608, in the entrie thereof.

REASONS FOR ANNULLING THE PRETENDED ASSEMBLY AT LINLITHGOW, 1608.

I. Manie of the voters in that pretended Assembly had no lawfull commission from the Kirk, to wit, 42. Noblemen, officers of state, Counsellours, and Barrons, also the Bishops, contrare to the act of Dundie, 1597. And one of their caveats. The Noble men were as commissioners from the King, the Bishops had no commission at all from the Presbyteries, for every Presbyterie out of which they came, had their full number of Commissioners beside them, as the register of the Assembly beareth

II. In a lawfull Assembly there should be none but Commissioners from Presbyteries, Burghs, and Universities, and but three ministers at most, with one Elder, Commissioners from every Presbyterie, according to the act made at Dundie, 1597. But in that pretended Assembly, there were foure ministers from the severall Presbyteries of Edinburgh, and Cowper, five from the Presbyterie of Arbroth, as the roll of the said pretended Assembly beareth; whereas there were no ruling Elders sent from Presbyteries, according to the book of policie and act of Dundie.

REASONS FOR ANNULLING THE PRETENDED ASSEMBLY AT GLASGOW, 1610.

I. The Commission of the pretended Commissioners to that meeting was null. 1. Because the election of them was not free, seeing they were nominate by the Kings Letters, as the Presbyterie books of Edinburgh, Perth, and Hadingtoun declare. And the Bishop of St Andrews in his letter to some Presbyteries, required them to send such Commissioners as the King had nominate: Assuring them, that none other would be accepted. This the Bishops letter registrat in the Presbyterie books of Hadingtoun doth cleare. 2. And whereas there were no ruling Elders sent from the Presbyteries to that pretended Assembly, as the roll of Commissioners sheweth; yet there were more ministers from sundrie severall Presbyteries than three, as five from Brechen, five from Arbroth, five from Kirkcubright, seven from the Presbytery of

Argyl, foure from the Presbyterie of Cowper, foure from Linlithgow, four from Pasley, four from Hammiltoun, foure from Drumfries, foure from Dunkell ; as the register of that Assembly beareth.

II. There were thirtie voters of Noble men and Barrons, beside the pretended Bishops, who had no commission from any Presbyterie. In the fourth Session of this pretended Assembly it is plainly said, That the Noble men and Barrons came to it by the Kings direction.

III. The voting of the commissioners was not free : for by the Kings letter to the Assembly they were threatened, and it was declared that their consent was not needfull to any act to be made there : The King might do it by his own power, yet they were allured to vote by a promise that their good service in so doing should be remembered and rewarded thereafter.

IV. The principall acts which were made, were set down verbatim in the privie conference, which chiefly consisted of the Kings Commissioners and pretended Bishops, and only read to be ratified in the Assembly.

V. Sundrie ministers then present, do now declare, that they knew the ministers who voted the wrong way, to have received their present reward, and that money was largely dealt unto them.

REASONS FOR ANNULLING THE PRETENDED ASSEMBLY AT ABERDENE, 1616.

I. There was no election of a Moderatour : but that place usurped by the pretended Bishop of Saint Andrews, as the Register beareth.

II. The indiction of that pretended Assembly was but twentie dayes before the holding of it : so that the Presbyteries and burghes could not be prepared for sending their commissioners : which caused the absence of many Presbyteries and fourtie foure Burghes.

III. There were twentie five noble-men and gentle-men, voters without commission from the Kirk. Mr William Struthers voted for the Presbyterie of Edinburgh, yet had no commission therefrom : The commission being given by that Presbyterie to other three, as the said commission registrat in the books of the Presbytery beareth. And whereas there should be but one Commissioner from every burgh, except Edinburgh, to the Assembly ; at this pretended Assembly, there were two Commissioners from Glasgow, two from Cowper, two from St Andrews : whereas there were no ruling Elders having commission from their Presbyteries at that Assembly.

IIII. When the acts of that pretended Assembly were written, the Bishop of St Andrews with his own hand did interline, adde, change, vitiate, direct to be extracted or not extracted, as he pleased, as the scrolls themselves seen doe show : wherefore the clerk did not registrat the acts of that Assembly in the books of Assemblies, as may be easily seen by the blank in the register left for them remaining unfilled.

THE NULLITIE OF THE PRETENDED ASSEMBLY AT SAINT ANDREWS, 1617.

I. There is no mention of it in the register of the Assemblies, and so no warrand for their commissions, their Moderatour or Clerk.

II. The indiction of it was so informall, that as the scroll declareth, a great part of the Commissioners from Synods, Burrows, and gentlemen, would not be present.

III. The Kings Majestie in his letter to Perth's Assembly, acknowledgeth it was but a meeting, wherein disgrace was offered to his Majestie.

IIII. The former corruptions of the foure preceeding Assemblies had their confluence in this and the subsequent Assembly.

REASONS FOR ANNULLING THE PRETENDED ASSEMBLY, HOLDEN AT PERTH, 1618.

I. The Assembly was indicted but twentie dayes before the holding of it: and all parties requisit received not advertisement, as appeareth by their absence. The untimous indicting of it, is cleared by the Presbytrie books.

II. There was no election of the Moderatour, as was accustomed to be in lawfull Assemblies; The register cleareth this.

III. No formal election of their new Clerk.

IIII. There were five whole Dyocies absent, viz. Orkney, Cathnes, Rosse, Argyll, and Isles: and many Presbyteries had no Commissioners there, as the register of that pretended Assembly beareth.

V. There were nineteen Noblemen and Barons, eleven Bishops, that had no commission from the Kirk. Whereas the act for constitution of Assemblies, ordaineth every Burgh to have but one Commissioner, except Edinburgh, which may have two, (Act at Dundie, 1597) yet in that pretended Assembly, Perth had three Commissioners, Dundie had two, Glasgow had two, and St Andrews had two: Of the Burghes there were thirtie six absent: And for ruling Elders, there were none at all with commission from their Presbyteries. All these things are cleared by the records of that pretended Assemblie.

VI. The Commissioners from some Presbyteries exceeded their number, prescribed in the act at Dundie, 1597, for the Presbyterie of Arbroath were foure Commissioners, and foure for the Presbyterie of Aughtearrath: Beside these that were heard to vot, having no commission at all, and some who had commission were rejected, and were not enrolled, but others put in their place without commission.

VII. The pretended Bishops did practise some of the articles to be concluded there, before the pretended Assembly, in Edinburgh, St Andrews, and other cathedrall Churches, by keeping festivall dayes, kneeling at the Communion. Thus their voices were prejudged by the practise of these articles before condemned by the Kirk, and therefore they should have been secluded from voicing.

VIII. In all lawfull Assemblies, the voicing should be free: But in this pretended

Assembly there were no free voicing; for the voicers were threatened to voice affirmativé, under no lesse pain nor the wrath of authoritie, imprisonment, banishment, deprivation of ministers, and utter subversion of the state: Yea, it was plainly professed, that neither reasoning, nor the number of voices should carie the matter away: Which is qualified by the declaration of many honest old reverend brethren of the ministry now present.

IX. In all lawfull Assemblies, the grounds of proceeding were, and used to be, the word of God, the confession of Faith, and acts of former generall Assemblies. But in this pretended Assembly, the ground of their proceeding in voicing, was the Kings commandment only: For so the question was stated: Whether the five articles, in respect of his Majesties commandment, should passe in act, or not: as the records of that pretended Assembly beareth. Where it is declared, that for the reverence and respect which they bear unto his Majesties royall commandments, they did agree to the foresaids articles.

X. Many other reasons verifying the nullitie of all these Assemblies, were shoven and proven before the Assembly, which needeth not here to be insert.

ADDENDUM—P. 131.

At Edinburgh x of Julij 1568. In the Generall Assemblie and saxt Session thair of.

The haill Kirk assembled, for eschewing of pleyis among brethren, maist hartlie requestis my Lordis President of Session, Secretare, Advocat, Clerk of Registre, Justice Clerk, Lord Provand and Mr Henry Balnavis, or any three of them, to decyde the Controversie that apperandlie may be movit betwix the Maisteris of the New College of Sanctandrois, and Mr Alexander Spens, Minister of Couper, anent thair pretendit right of the parsonage of Taryat; and this to be done betwix this day and xvi of August next, to the effect that my Lord Regents G. may give his Gs presentation to the partye having best right.

J. GRAY. Scr.

CORRIGENDA.

Page. Line.

17. 34. *after* Hay insert a comma.
 49. 21. *for* Loathein *read* Letham (C.)
 58. 9. *delete* and (C.)
 77. 7. *for* John *read* James (C.)
 96. 7. — Quarters *read* Commissioners,
 105. 18. — raisit (razed) *read* ratifeit ?
 106. 37. — 20 *read* 25.
 145. 7. — found *read* summoned (C.)
 146. 22. — denounce *read* demit (C.)
 179. 25. — moderators *read* modifiers ?
 238. 4. — stream *read* storm ?
 255. 4. — James *read* John.
 256. 37. — Beduchie *read* Benduchie.
 267. 21, 23. — excommunicants *read* excom-
 municats.
 270. 1. — Haleio *read* Halcro.
 281. 6. — John *read* James.
 295. 7. — Galloway, Kile, *read* Galloway,
 Aberdeen, Kile, minister of.
 337. 8. — Edinburgh *read* Aberdeen.
 368. 6, 7, 8. — John *read* Gilbert.
 425. 27. — continuance *read* contumacie.
 425. 30. — voundit *read* unmeet (C.)
 435. 24. — Etham *read* Eythan.
 470. 13. — Angus and Marnes *read* Aber-
 deen and Banff.
 — 24. — Dynneir *read* Dinmure.
 532. 16. — Tividdail *read* Tweddaill.
 540. 12. — Ramuscraig *read* Ravinscraig.
 634. 9. — George *read* Gilbert.
 643. 18. — notwithstanding *read* not stand-
 ing (C.)
 648. 21. — Clidesdail *read* Dumbarton :
 in the Nether Ward of
 []: (C.)
 649. 25. — Torrie *read* Turreff.
 657. 1. — ame *read* same.

Page. Line.

667. 16. *delete* David (C.)
 687. 2. *for* quarters *read* Commissioners.
 — 12. — dulterme *read* due terme (C.)
 716. 27. — Elly *read* Enzie.
 717. 19. — Logilichan *read* Logiebuchan.
 — 21. — Gordon *read* Garden.
 — 29. — Fyfe *read* Fyvie.
 — — — Locky Damock *read* Logie-
 durno.
 — 30. — Innerug *read* Inverury.
 764. 17. — Lumdie *read* Lundie.
 765. 15. — Graig *read* Greig. M.S.W.
 770. 12. — Endercharitie *read* Inveraritie.
 795. 11. — John *read* James (C.) MSS.
 A. W.
 799. 22. — derectour *read* the Rectour.
 803. 6. — Bondronne *read* Wynrhame.
 813. 10. — octavo *read* vigesimo octavo.
 815. 15. — presbytery *read* synod.
 816. 15, 16, 17, 18. *to be delete.*
 824. 24. *for* Trewquhy *read* Frewquhy.
 — 29. — Kilkell *read* Kilkill.
 832. 30. — inhite *read* inhibite. MSS.
 851. 13. *for* Julij *read* Junij.
 863. 29. *after* Bruce *insert* Robert Wallace:
 873. 5. *for* Robert Laud *read* Robertland,
 and add [David Cunning-
 hame of.]
 930. 14. — Endercharitie *read* Inveraritie.
 981. 2. *delete* to.
 5. *for* reformation *read* information.
 999. 1. *insert* 15 *before* Novembris.
 1124. 12. *for* Howit *read* Howie.
 1131. 23. — Andro *read* George.
 1040. 6. — 44 year *read* 40 year.
 1042. 11. — 45 year *read* 40 year.
 1082. 35. — 47 year *read* 43 year.

THE BOOKE
OF THE
UNIVERSALL KIRK OF SCOTLAND:

WHEREIN THE HEADIS AND CONCLUSIUNS
DEVYSIT BE THE MINISTERIS AND COMMISSIONARES
OF THE PARTICULAR KIRKS THEREOF
ARE SPECIALLY EXPRESSED
AND CONTAINED.

A. D. M.D.XCIII.

THE Generall Assemblie of the Kirk of Scotland, convenit at Dundie
the xxiiij day of Apryle 1593.

Exhortatioun being maid be Mr Robert Bruce, Moderatour of the last
Assemblie; in respect of the raritie of the brether convenit, it was thocht
meit the electioun of ane Moderatour sould be continewit quhill efter
nyne, quhane the number will be mair frequent.

Acta Sessione Secunda, Eodem die.

The Assemblie, according to thair ordour, proceeding to the electioun
of ane Moderatour, during this Conventioun, appointit and delytis Mr
Dauid Lyndefay, Mr James Balfour, Mr Johne Nicolfoun, Mr Andro
Meluill, Mr Patrick Sympsoun; and, be pluralitie of voitis, the said Mr
Dauid was chollin Moderatour hac vice.

The hours of conventioun, ilk day dureing the Assemblie, war appointit
the accustomit hours.

And to the effect that all the actiouns to be intreitit at this tyme may
be mair convenientlie and ordourlie handlit, and mair reddelie dilpecht,
the Kirk nominat thair bretherne vnderwritin, thay ar to say, the Lairds
of Cammo, Abottishall, Powrie, Ogilvy, commillioners of Edenburgh and
Lyth, Mr Robert Pont, Mr John M'kenzie, Mr Alexander Dowglas,
Mr Gilbert Gairdin, Mr Peter Blackburne, Alexander Keyth, William

Cryflefoun, Mr James Nicolfoun, Johne Dury, Mr Archibald Meluill, Mr Nicol Dalgleshe, Mr Thomas Buchannane, Daud Fergufoun, Mr James Meluill, Mr William Rynd, Mr Patrick Symfoun, Mr Robert Bruce, Mr Robert Hepburne, Mr Johne Spoittifwod, Mr William Methwen, Mr Archibald Clayhills, Mr Johne Cowper, Mr Daud Barclay, Mr Matho Wyllie, Mr Alexander Wreytoun, Mr William Edmestoun, to convine daylie with Moderatour in the rewestrie of the kirk, at aucht hours in the morning and tua efter nyne of the preauching dayis, and immediatlie efter the fermone in the preaching dayis, to gif thair adwyfe and counsell in proceeding in materis of this Affemblie.

Acta Sessione Tertia, vigesimo quinto Aprilis 1593.

Forallsmeikill as ther is ane Conventioun of the Nobilitie appointit be his Majestie in Edenburgh, the xxvij day of this instant, quher it is thocht meit that certane of the Kirk be present, to propone sick artielis and petitionis as for the tyme falbe thocht meit: Thairfor the Kirk and Affemblie present hes thocht meit to condiscend vpoun sic articles, quhairof ane breif recitle followis, quhilk heirefter ar to be brocht and reduceit in sum guid forme.

First, It is thocht meit to be craveit that all Papeiftis within this realme may be pynishit according to the lawis of God and of the realme.

Item, That the act of Parliament of ipso facto may strak vpoun all maner of men landit and vnlandit, constitut in office or vtherwayis, als weill as the samyn is speciallie confawit aganis benefeicit perfouns.

Item, That ane declaratour be cravit aganis Jesueits and traficking Papists aganis the trew religioun professit within the realme, quherby thay may be declairit tratours, to this effect the resfateris of thame may be pyn-eist according to the act of Parliament: and sicklyke that ane reformatioun may be of the thrie dayis contenit in the said act.

Item, That all sick perfouns as the Kirk fall find and declair publeclie to be obstinat Papeiftis, althocht thay be not excummvnicat, be debarit frome bruiking of ony office within the realme, as alsua from acces to his Majesteis companie, and from inioying of ony banefeit of the lawis of the realme; as alsua that the pane of horning and vther ciuell paines may follow vpon the said declaratour, siclyk as alreddie followis vpon the sen-

tence of excommuniatioun : and that ane act of Counfall presentlie may be maid and publihit thervpon, quhill the nixt Parliament, quher the samyn may be establihit in ane law.

Ordanes the bretherne of the haill Presbiteris quhilks ar present, to gif in the names of all maner of persouns excommvnicat for quhatsumever crime, as als of profelling Papeists, the morne to the full Assemblie.

The Generall Assemblie of the Kirk gevis full power and commissioun to the brether of the Presbiteres of Glasgou and Hammiltoun, or sa mony of thame as guidlie can be convenit togidder, to summond Mr Myrheid to compeir befor thame, with all expedient deligence, at the first dyet within the Toun of Glasgou, to ansuer for the defectioun of the ministrie, and to proceed according to the tryell and proces led befor thame ; and in caice of ma dyetis nor ane, the plaice to be mutuallie interchangit efter thair assembling ; and to report thair proceeding to the nixt Generall Assemblie of the Kirk.

Anent the commissiouns gevin in the last Assemblie to the Presbitreis of Brichen and Arbrothe ; sick brether adioynit to thame concerning Mr Walter Lyndefay and his collegeis.

Item to the Presbetrie of Hadingtoun concerning Mr George Ker ; To the Presbeterie of Dalkeyth concerning the Laird of Rosling ; To the Presbeterie of Edenburgh concerning Mr George Semple ; as the particular commissiouns beris. Ane particular report of thair deligence being hard, the saids haill commissiouns wer found to be execute.

Anent the commissiouns gevin to the Presbiteris of Stirling and Dumblane concerning the complaint of the parochiners of Eglisshame : The proceedingis in the mater being presentit in writ be Mr Patrik Symfoun, Minister in Stirling, in respect thay have remittit sum thingis to be considerit be the haill Kirk, to do ferder resolutioun therin is superceidit quhill materis remittit to this Assemblie be proponit.

Anent the commissioun gevin in the last Assemblie to certane bretherne, to tak vp the deidlie seid betuix the Laids of Craignyller and Edmestoun : In respect the said brether hes taken alreddy travells therin, the Assemblie hes willit thame to prosecute forder that purpos, and to report to the nixt Assemblie.

Anent the commissioun gevin to the Presbitrie of Irwing, to try the Presbitrie of Hamiltoun, and to report conforme to the tenour of the last Assemblie : In respect is vnderstand to the said Assemblie, not as git the

faid commiffioun is not execut, thairfor of new the faid Kirk hes renewit the faid commiffioun to the brether appointit therin of befor, and ordaines thame to execute the famyn betuix and the nixt Affemblie, as thay will anfuer.

For reiding of bills and queftiouns presentit in this Affemblie : The Kirk hes nominat Mr James Nicolfoun, Mr Nicol Dalgleifche, Mr James Meluill, Mr Gilbert Gairdin, to conveine euerie day at tua hours in the Kirk, and to fycht the bills quhilks ar pertinent to the Affemblie, for remiting fic as be pertinent to the full Affemblie.

The Kirk and Commiffioners prefent hes gevin full power and commiffioun to thair rycht honorabill and thair lovit bretherne vnderwritin, thay ar to fay, the Lairds of Abotifhall, Wedderburne, and Merchettoun, Johne Arnot, William Lytill, fumtyme Proveftis of Edinburgh, and Clement Ker, burges, fumtyme Baillie therof, to prefent to his Majeftie and Nobilitie now appointit to conveine at Edinburgh, the xxvij day of this inflant, the articles and petitiouns of the Kirk, and to crave and travel that the famyn may be grantit ; and gif neid beis, to reffoune and confer thervpoun, or quhat beis done herin to report to the nixt Generall Affemblie.

Seffio 4^a. 25 Aprile.

The Commiffioners vnderwrytin prefentit thir Articles following to his Maieftie and Counfell, viz. the Lairds of Abbotfhall, Wedderburne, and Merchettoun, John Arnot and William Litle, fometyme Provefts of Edinburgh, and Clement Car, Mrs Robert Bruce, Patrick Galloway, James Nicolfoun, and Walter Balcanquell.

Followis the tenour of the faid articles.

First, Seing the increafe of Papiftrie is daylie within this realme, it is craeit of his Majeftie, that all Papifts within the fame may be punifhit according to the laws of God and the realme.

Item, That the act of Parliament ipfo facto may frike vpon all maner of men, landit and vnlandit, constitute in office or vtherwayes, of quhat fort [foever] they be, as weill as the famen is provydit to frike aganis beneficit perfons.

Item, That ane declaratour may be givin againſt Jeſuites, Seminarie Preiſts, and traffiquing Papiſts, declaring them culpable of treaſon and leſe Majeltie, quherby the receipters of ſuch perſons may be puniſcht according to the act of Parliament ; and that reformation may be had of the ſaid act in that pairt, quher the ſamein is only extendit againſt ſuch perſons as receipts them be the ſpace of three dayes ; and that the penaltie of the act may be inflictit againſt any receipters without any condition of dayes.

Item, That all ſick perſons as the Kirk ſhall find and declare [publickly] to be Papiſts, althogh they be not excommunicat, be debarrit from brooking any office within the realme, as alſo from having acceſſe to his Majelties companie, and from injoying any benefite of the lawis ; as alſo that the paine of horning, and vther civill paines, may follow vpon the ſaid declaratour, ſicklyke as preſentlie followis vpon the ſentence of excommunication ; and that ane act of Counſell preſentlie be made and publiſcht thervpon, quhill the nixt Parliament, quher the ſamen may be eſtabliſhed in ane law.

Item, That his Majeltie will conſider the great prejudice done to the haill Kirk be erecting of the teinds of diverſe Prelacies in temporalitie, as of the Abbay of Pailly and fundrie [others,] be the quhilk the planting of Kirks is greatlie prejudgeit ; and that, therfor, ane ſubſtantial ordour be tane for remeid therof.

Ordaines drectour of Sanct Androis, Mr Robert Wylkie, Mr Robert Pont, Mr Thomas Buchannane, and Mr Johne Johnſtoun, or ony thrie of thame, to veſit the tennour of the foundatioun of the new Colledge to be erectit be the Erle Marifchell in Aberdeine, and to gif thair oppynioun of the ſame to the bretherne, that the ſaid fundatioun may be ratefeit be the ſaid haill Aſſembly, being fund meit and expedient.

Ordanes Mr Robert Hepburne, Mr James Meluill, and Mr Peter Blackburne, to veſit and ſycht the buik of veſitatioun of the boundis of Orknay, preſentit be Mr Robert Pont, and to gif thair oppynioun to the Aſſembly befor thay diſſolve.

Forallſmeikill as the numberis of the Preſbitereis within this realme and thair places wald be knawin, the names therof being inquyrit, the full Aſſembly and nvmber of the ſame wer gevin vp as followis, viz.

Ane Preſbiterrie in Zetland callit Tingwall : In Orknay, ane, to wvt, Kirkwall : In Kaithnes, ane, viz. Thurſo : In Sutherland, ane, viz.

Dornoch : In Ros, tua, Tane and the Channonrie : In Murray, four, viz. Inuernes, Forres, Elgine, and Ruthven : In Aberdeine, fyve, viz. Bamf, Deir, Inuerowrie, Aberdene, Kincardin : In Mernes, ane, Couway : In Angus, four, viz. Brechen, Arbroth, Megill, Dundie : In Dunkeld, ane, viz. Dunkeld : In Perth, Sanct Johnestoun, Dumblane : In Fyfe, four, viz. Sanct Androis, Cowper, Dumfermline, Kirkcaldy : In Stirling, ane, Lythgow : In Lowdiane, four, viz. Edinburgh, Dalkeyth, Haddingtoun, Dunbar : In Tueddall, Peblis : In Mers, tua, Chirneyfyd, Duns : In Teuiotdaill, tua, Jedburt, Melros : In Nethifdaill, ane, Drumfreis : In Galloway, tua, Kirkcudbryt, Wigtoun : In the Schirefdome of Air, tua, viz. Air, and Irwing : In Renfrew, Paislay : In Lennox Shyre, ane, Dumbartane : In Cliddifdaill, thrie, viz. Glasgaw, Hamiltoun, Lanerk.

Forfameikill as the visitatioun of the Presbitries vniverfallie throughout the haill realme, is thocht ane thing verry necessar, and fra diuers Assemblies commissiouns hes beine gevin to that effect ; nottheles ane necessitie git remaneing quhilk craveit the continewing of the said commissioun, the Kirk, therfor, and Commissioneris present hes gevin power and commissioun to thair louit bretherne vnderwritin, within the particular boundis respectiué following, that is to say, For Zetland, Thomas Swyntoun : For Orknay, Mr Robert Pont : For Sutherland, and Kaithnes, Mr Robert Pont and Mr William Pap coniunctlie : For Ros and the Channonrie, Mr Alexander Dowglas ; For Murray, Mr George Monro, Mr Andro Crumby, Mr Johne Robefoun : For Aberdeine, Mr Alexander Forbes, Mr Robert Arburthnet, Mr Andro Wyllie : For Mernis, John Durie, Mr Andro Keithe : For Angus, Mr Robert Bruce, Mr Andro Meluill, and Mr James Meluill : For Perth, Dunkeld, Dumblane, and Stirling, Mr James Nicolson, Mr Nicoll Dalgleshe : For Fyfe, Mr Dauid Lyndesay, Mr Robert Hepburne, and Mr Patrick Symfoun : For Lowthiane, Mr Andro Moncreif, Mr Dauid Spence, Mr Andro Lamb : For Mers, Mr Adame Johnstoun, Mr James Carmichell : For Tiviottdaill, Mr William Methven, Johne Clappertoun : For Nithefdaill, James Hammiltoun, Mr William Hammiltoun : For Galloway, Johne Porterfeild, Mr Dauid Barclay : For the Schirefdome of Air, Mr Johne Yong, Andro Knox : For Dumbartane, Renfrew, Glasgaw, Hamiltoun, and Lanerk, Mr Henrie Levingftoun, Mr Robert Wylkie, Mr Alexander Wreitoun : to viset and try the doctrine, lyfe and conversatioun, deligence and fidelitie, of the Pas-

touris within the saidis Presbiteries ; and sicklyke to try gif ther be any of the benefeit number within the samein, not making residence, having no reasonable cause to purge the samein ; gif ther be any that hes dilapidat thair benefices, sett tackis, and made uther dispositiouns therof, by the content of the Generall Kirk ; ony slanderous person vnmeit to serue in the Kirk of God, and vnhable and vnqualifiet to teach and edifie ; and, with advys of the Presbytrie within the quhilk the saidis persons ar, to proceede aganis them according to the qualitie of the offence, or vndispositiouns of thair offices, according to the acts of the Kirk : And that this visitatioun, tryell and examinatioun be compleit betuix and Michelmes nixt to cum, recommending to euerie Presbeterie, for shortning of the saidis Commillioners travells, ane diligent tryall amangis thame selfis be takin befor the Commillioners cuming, quherin thay may vnderstand and note the abuses quhilk wald be correctit ; commanding alsua the Presbyteries within the quhilks the saidis Commillioners remaines, to provyde for the saidis Commillioners flockis in thair absence in the said visitatioun.

Acta Sellione quinta, vigesimo sexto Aprilis 1593.

The Kirk and Commillioners present ordaines the parochineris of Sanct Androis to landwart, to big and edifie to themselves ane paroche kirk, in scek ane part as the saidis parochineris and Presbyteries agree vpon, narrell the middis of the paroche, betuix and Lambes cum ane geir, according to thair suite maid to Parliament, and sicklyk to the Assemblie ; certifieing thame and they failzie, thay salbe debarrit fra ony benefeit of the Kirk of Sanct Androis.

Anent the kirkis in Orknay and Zetland : In respect it is considerit that for the number of Illis ther, and that there is not stipend to everie particular kirk, quherby the pluralitie of kirkis serveing may be elchewit : thairfor the Kirk quhill the nixt Assemblie ordaines the saidis kirkis to be fervet as thay ar presentlie, in respect of the present necellitie, and diuers vtheris impedimentis.

Ane supplicatioun to be gevin in to Parliament to reforme the delapidatioun of the leving foundit in the gramer scoole of Kirkwa, ordaining in the meane tyme the Commissioner, quha is appointit to visit the Presbiterie ther, with adwse of the same, to deprive the persoun quha hes delapidat

the same, in caice he restore not agane the said leving to the awin integretie.

The Generall Assemblie of the Kirk gevis full commissioun and power to the bretherne of the Presbiterie of Edenburgh, to call befor thame Adame Bischope of Orknay, and to charge him with the demolishing of the kirk of Birfa, to try gif he demolishit the same: And in caice he be found fa to have done, to charge him to repair the same, that the flok be not destitut of ane kirk; vtherwayis to proceed aganis him, and to report thair proceedingis to the nixt Generall Assemblie.

Eodem die. Sessio sexta.

The Generall Assemblie of the Kirk haveing committit the fycht, reiding and confidderatioun, of ane new foundatioun of ane Collidge to be erectit in Aberdeine be the Erle of Marischell, to certane lernit brether of the Assemblie maist expert in sick caiffes, and vnderstanding of thame that the said foundatioun and erectioun in substance is very guid and commendable: thairfor, and efter sum reffoning also in the matter, hes allowit, approwin and affermeit the same, according to the tennour therof in all thingis; and ordanes this thair approbatioun to be gevin out, and act to be maid thervpon.

Memorandum. To insert the supplicatioun of the Laird of Grenok quhilk is lyand in the pok.

Names of excommunicat perfouns gevin vp be the brether.

Alexander Ramsay, brother to the Laird of Dalhousie; Alexander Creychtoun of Newhall, elder, bayth within the Presbiterie of Dalkeyth; In Leingar parochin, Thomas Donaldsoun, for dowbill adultrie; In Campsie parochin, William Aikin, for adultrie; In Levingstoun, Andro Stirling, for slauchter of vmquhile Johne Adame; Thomas Kincaid, for slauchter of vmquhile Luk Sterling in Cadder; Thomas Blar in Boctay, for thriefald fornicatioun and dissobedience, lyand vnder the sentence of excommunicatioun thir four geiris bygane; In Glasgou, Matho Heriot, for slauchter of vmquhile Andro Ros; Gilbert Inglis, for slauchter of vmquhile Samuell Hamiltoun, sone to the Laird of Prestoun; Archibald Vduart for the slauchter of vmquhile David Ramsay, potter, and Adame Ramsay, his sone;

Archibald Hegate, for dowbill apostatie, efter he had first put handis in ane Minister, sua thrife excommunicat; Sir Henrie Ofwald, within the parochin of Strageith, excommunicat for papestrie, be Mr James Burtoun in Peblis, the fourt of Marche 1592; Sir William Blakwod in Dumblane, excommvnicat for papestrie; Robert Clerk in Ochterardour, excommu-
nicat for incest with Elspet Scot, be Mr Johne Bondronne, Superintendent of Fyff; Hew Barklay, Laird of Ladieland, apollat; James Mcquirrtie, Vicar of Kinkarth in Boit, excommvnicat apollat.

Names of Kirkis vacand in Angus and Merns :

Inchfloit, Abernyt, Innergourie, Logedundie, Lundy, Streikmarteine, Inneraritie, Bendoquhy, Ruthven, Glenyla, Glamis, Effe, Cloday, Lyn-
trathin, Athie, Methie, Tannardais, Aldbar, Inchbraik, Newdesk.

Kirks within the Synodall of Glasgou vnprovydit :

Kilmaronnok, Killarne, Balfrone, Strablane, Cardros, Inchcalzell, Bal-
dernock, Paillay.

The Kirks provydit with men, bot wanting stipend be vertew of the
lait erectioun of the teindis of the Abbacie of Paillay in tempo-
raliteis :

Hammiltoun, Glaffurd, Scennous, Blantyre, Schottis, Dallerf, Lannock,
Pettenone, Tankertoun, Robertoun, Bigger, Crawford Johne, Crawford
Lyndfay, Dolphingtoun, Covingtoun.

The names of the Kirks vnplantit within the bounds of the Mers :

Lammertoun, Fischirwiche, Swintoune, Symprene, Hourden, Fogo,
Groundlay, Sutchell, Nonthorne, Hwme, Ballenden, Ednem, Cranfchewe,
Ellem.

Kirkis vacand within the Presbiterie of Dumblane :

Abirfuill, Kilmahuge, Callendar, Leny, Port, Kilbryd, Balquhidder,
Comrie, Tullicheddilly, Sowan, Monivard, Stragethe, Kinkell, Abir-
ruthven.

Kirks vnplantit within the Presbietrie of Dunkeld :

Straphillan, Killin, Ardrum, Inchechadden, Vemis, Pitcharene alias

Grantilly Kirk, Brenmore, Kilchonnane, Murtrigan, Rannoch, Strowand, Blair in Atholl, Ludekil, Manenok, Fos, Muline, Finlarg, Mennoche, Doualie.

In the laich land : Logybryd, Ochtingawin, Kincklevin, Capeth, Lochindy, Blair in Gowrie, Glenschie.

Kirks vacand in Cathnes : Thurso, Wick.

In Orkney : the Southamtoun Kirk, North Rannaldfy.

In Zetland : Auchindenrie, Burra, Bressy, Nesting, Lunnasting, Olnafirth.

Names of the persons quhilks ar to enter in the Ministerie.

Mr Andro Mortoun, Mr James Spalding, Mr David Balcome, Mr David Lyndsay, Mr James Eliot, Mr Johnne Young, Mr Bartle Robertfoun, Mr John Dwrie, Mr Johnne Ogilbie, Mr Charles Walwod, Mr George Vilhard, Mr Adame Walker, Mr William Simfone.

Anent the summonds direct be the brether of the Presbyteries of Glasgow aganis Claud Commendatour of Paislay and his Laidy, to compeir in this Assemblie this day, with continuatioun of dayis, to ansuer for the sacriligious bereving of the Kirk in erecting of the haill rents alsweill teinds as vther in ane temporalitie, as the summonds dewlie execute beirs ; quhilk being callit afor and efter noone, nane compering, the Kirk superfedit thair proceeding this day, quhill thay lie gif ony git compeirs to ansuer.

Acta Sessio 7^a 27 Aprilis 1593.

In presence of the haill Assemblie, compeirit Schir James Meluill of Halhill, ane of the Commissioneris specialie direct be his Majestie to compeir in his Hienes name as commissioner, and presentit his Majesties millie direct to that effect, with certane articles, and ane act of Parliament for instructing therof, quhilk the Assemblie thocht meit priuatlie to be considerit be certane brether, quha wer appointit to confer with his Majesties Commissioner, and to that effect wer deposed out of the Assemblie to advyse and gif thair opinioun at thair returne, to witt, Mr Robert Bruce, Mr Robert Pont, Mr Andro Meluill, Mr James Nicolson, Mr Peter Blackburne, Mr James Meluill, the Laird of Cammo, and Commissioners of Edinburgh :

Quha returning, red the articles and thair anfuers, quhilk the Kirk approuit; ordaining the saids articles, anfuers therto, and act of Parliament to be regiltrat in the Register of the Kirk; quherof the tenour herin is sett down as followis:

The Articles proponit in his Majesties name to the Generall Assemblie, presentlie conveyit at Dundie.

His Majestie declares, that in respect he cannot of honour sie the privilege of his crowne hurt, therfor he will have regard to have the act of his last Parliament keipit concerning the conveying of Generall Assemblies to his Majesties appointment; willing them heirfor, befor thair leaving, to direct two or thrie of thair number vnto him, to desyre him to appoint the day and place of their nixt conveying.

Secondlie, His Majestie desyres them to make ane Act of thair Assemblie, prohibiteing all and everie one of the Ministrie, vnder the paine of deprivation, to declaine against his Majestie or Counsells proceedings, in pulpitt, not only in respect of his Majesties knawin good intencion for the furth setting of pietie and justice, bot lykeways becaufe his Majestie at all tymes gives readie accesse and loving care to fundrie of the Ministres, to informe, dilait or complaine, either in their awin name or in the name of any of the rest of the brether.

Thirdlie, His Majestie desyres them to appoint and put on leit, fyve or sixe of the discreitest of the Ministrie, that his Majestie may make choise of twa of them to serve in his house, in respect of Mr Craig his decrepit age.

Fourthlie, Seeing that the standing of the religioun and the wellfare of his Majesties person are so vnseparablie joynit, as quhosoevir are enemies to the one are comoun enemies to both; so his Majestie desyres, that through all the Prelbitries of this countrey, ther salbe some appointit to advertise and informe his Majestie heirafter, with diligence, for the more speidie remedie, not only of quhatsumevir practises they can learne, in any wayes, of Papists and Spanisch factiouns, but also of the receipts and practises of Bothwell, quherof they can have any knowledge; whose heale courses, as they are directly aganis his Majesties persone, so whollie they tend to the subversiou of the whole religioun: With directioun also to them to informe the haill Barrons, and honest men most tenderers of his Majesties

welfare, to give ever such faithfull intelligence of the faids practises as they can learne from tyme to tyme.

Fyftlie, His Majestie defyres, that through all the countrey, quher ther is any ports or landing places, that ther be some of the brether speciallie appointit to deale so with the burghes, that they may take good and sufficient tryall, according to his Majesties law made theranent, of all these quho fall heirafter come in, or passe furth of this countrey, quherfra they are come, or quherto they are bound ; quhat is thair trafique and intention to doe : and swa after good and sufficient tryall, if ther be any thing of weght and importance, that they on na wayis faile to make his Majestie acquaint therewithall, to the effect his Majestie may the more easilie discover quhat sumevir forraigne or civill practises is or falbe in heid aganis the present state of the religioun : And this he craves to be done so faithfullie, as he hes good opinioun of your earnest affectioun, no less in the preservatioun of his Majesties awin person as in the defence of the comoun cause ; as also he promises to aide and assist you in all [and] quhatsumevir your good resolutions, that may tend to the furtherance of peace and quyetnes ; with the advancement and mainteinance of the religioun presentlie profest in this realme.

Humble ansuers of the Generall Assemblie to the Articles proponit be his Majesties Commissioners to the same, at Dundie the 27 day of Apryle.

First, The Article concerning the conveyning of the said Generall Assemblie is aggried vnto, according to the tenour of the act of Parliament presentit with the faids Articles.

As twiching the second Article, It is ordainit be the haill Kirk, that no Minister within this realme vtter from pulpitt any rasch or vnreverent speeches aganis his Majestie or Counsell, or thair proceedings ; but that all thair [publick] admonitiouns proceed vpon just and necessar causes and sufficient warrand, in all feare, love and reverence, vnder the paine of deposing such as dois in the contrair, from thair functioun and office in the Ministrie.

As to the 3 Article, The Kirk aggries therto, and speciallie anent the provisioun of Ministers ane or mae to his Majestie ; that certaine be nominat be the Commissioners direct to his Grace be his advyce, of quhom his

Majestie may make choise : and the brethren to be lykit of his Majestie, to be placit and admittit be the Presbytrie quher his Grace salbe resident for the tyme.

As concerning the 4 and 5 Articles, The samein are condiscendit to and ordour takin, as his Majestie salbe particularlie informit be the saids Commissioners.

Follows the tenour of the Act of Parliament.

In the Parliament haldin at Edinburgh, the 5 day of Junij 1592 geirs, our Souerane Lord and Ellaittis of this present Parliament, following the lovable and gude example of thair prediceffouris, Hes ratifiet and apprevit, and be the tennour of this present act, ratifies and apprevis all liberties, privileges, immvnties and fredomes quhatfumeur, gevin and grantit be his Hienes, his Regentis in his name, or onie of his prediceffouris, to the trew and bally Kirk presentlie establisht within this realme ; and declairit in the first Act of his Hienes Parliament, the twentie day of October, the geir of God ane thousand, five hundreth, three-scoir ninetene gieris ; and all and whatfumeur actis of Parliament, and statutes maid of befoir, be his Hienes and his Regentis, anent the libertie and fredome of the said Kirk : and speciallie the first act of the Parliament halden at Edinburgh, the twentie soure day of October, the geir of God ane thousand, five hundreth, and four scoir ane gieres, with the haille particulare actis thairin mentionat, Qubilk fall be als sufficient as gif the samyn wer herin exprest ; and all vther actis of Parliament maid sensyne, in favouris of the trew Kirk ; And ilklyk, ratifies and apprevis the Generall Assemblies appoynted be the said Kirk ; and declairis, that it salbe lauchfull to the Kirk and Ministrie everilk geir, at the leist, and after pro re nata, as occasioun and necessitie fall require, to hald and keip Generall Assemblies : Providing that the Kingis Majestie, or his Commissioner with thame to be appoyntit be his Hienes, be present at ilk Generall Assemblie befor the dissolving thair of, nominat and appoint tyme and place, quhen and quhair the nixt Generall Assemblie salbe haldin : and in caise nather his Majestie, nor his said Commissioner, beis present for the tyme in that toun, quhair the said Generall Assemblie beis haldin, Than, and in that caise, it salbe lesum to the said Generall Assemblie, be themselfis, to nominat and appoynt tyme and place, quhair the nixt Generall Assemblie of the Kirk salbe keipit and haldin, as

they haif bene in vse to do thir tymes bypast. And als ratifies and apprevis the Sinodall and Provinciall Affsemblies, to be haldin be the said Kirk and Ministrie, twyis ilk geir, as they haif bene, and ar presentlie in vse to do, within euery Province of this realme; And ratifeis and apprevis the Presbyteries, and particulare Sessionis, appoyntit be the said Kirk, with the haill iurisdiction and discipline of the same Kirk, aggreit vpon be his Majestie, in conference had be his Hienes with certane of the ministrie convenit to that effect: of the quhilkis Articles the tennour followis.

Materis to be intreatit in Provinciall Affsemblies: Thir Affsemblies ar constitute for wechtie materis, necessar to be intreatit be mutuall consent and assistance of brethrene within the Province, as neid requyris. This Affembly hes power to handle, ordour, and redresse, all thingis omittit or done amisse in the particulare Affsemblies. It hes power to depose the office beraris of that Province, for gude and just causeis deserving deprivation: And, generallie, thir Affsemblies hes the haill power of the particulare Elderschippis, quhair of they ar collectit.

Materis to be intreatit in the Presbyteries: The power of the Presbyteries is to give diligent laubouris in the boundis committed to their charge, That the Kirkis be kept in gude ordour; To enquire diligentlie of nauchtie and vngodlie personis, and to travell to bring thame in the way agane be admonitioun, or threatning of Goddis jugementis, or be correctioun. It appertenis to the Elderschip, to tak heid that the Word of God be purlie preachit within thair boundis, the Sacramentis richtlie ministrat, the Discipline intertenyt, and the Ecclesiasticall guidis vncorruptlie distributit. It belangis to this kynd of Assembleis, to caus the ordinances maid be the Assembleis, Provinciallis, Nationallis, and Generallis, to be kept and put in executioun; to mak constitutionis, quhilkis concernis το προπον in the Kirk, for decent ordour in the particulare kirk quhair they governe; Provyding that thay alter na rewlis maid be the Provinciall or Generall Affsemblies: And that they mak the Provinciall Affsemblies foirfaidis, privie of the rewlis that they fall mak, and to abolishe constitutionis tending to the hurt of the same. It hes power to excommunicat the obstinat, formale proces being led, and dew intervall of tymes obseruit.

Anent Particulare Kirkis, Gif they be lauchfullie rewlit be sufficient ministeris and sessioun, they haif power and jurisdiction in their awin Congregation, in materis Ecclesiasticall. And decernis and declairis the said Assembleis, Presbyteries, and Sessiounes, Jurisdiction and Discipline thair of

foirsaid, to be in all tymes cuming, maist iust, gude, and godlie in the self, Notwithstanding of quhatsumeur Statutis, Actis, Cannon, Ciuile, or Municipall Lawes, maid in the contrair; To the quhilkis and every ane of thame, thir presentis fall mak expres derogatioun:

And becaus thair ar diuers Actis of Parliament, maid in favour of the Papistick Kirk, tending to the preiudice of the libertie of the trew Kirk of God, presentlie professit within this realme, iurisdiction, and discipline thairof, quhilk stands zit in the buikis of the actis of Parliament, not abrogat nor annullit: Thairfoir his Heines and Estaittis foirsaidis hes abrogat, cassit, and annullit, and be the tennor heirof, abrogatis, callis, and annullis all Actis of Parliament maid be ony of his Hienes Predecessouris, for maintenance of superstitioun and idolatrie, with all and quhatsumeur Actis, Lawes, and Statutes, maid at ony tyme, befoir the day and dait hereof, aganis the libertie of the trew Kirk, iurisdiction, and discipline thairof, as the samyn is vsit and exerceisit within this realm.

And in speciall, that pairt of the sevint act of Parliament halden at [Streviling, the fourt day of November, ane thousand four hundredth, fourty three] geiris, commanding obedience to be gevin to Eugen the Pape for the tyme.

The j^e and xj^e act made be King James the thrid, in his Parliament haldin at Edinburgh the twenty fourth day of Februar, ane thousand, four hundredth, fourscor thrie geiris; and all utheris actis quhairby the Paipis authoritie is establisht.

The 47 act of King James the third, in his Parliament haldin at Edinburgh, the [twenty day of November, ane thousand, four hundredth, three scor nine] geiris, anent the Satterday and uther vigillis to be hally dayes from Evin sang to Evin sang.

Item, That pairt of the 31 act maid be the Quene Regent, in the Parliament haldin at Edinburgh, the first of Februar ane thousand, five hundredth, fifty ane geiris, Geying speciall licence for haldin of Pathe and Sule.

Item, The Kingis Majestie and Estaittis foirsaidis declaris, that the tenth Act of the Parliament haldin at Edinburgh, the xxij day of Maij, the geir of God ane thousand, five hundredth, four scor, four geiris, fall naways be preiudiciall, nor derogat anything to the priuilege that God hes gevin to the spirituall office betaris in the Kirk, concerning headis of religioun, materis of heresie, excommunicatioun, collatioun or deprivation of min-

isteris, or ony sik essential censouris, speciall groundit, and havand warrand of the word of God.

Item, Oure said Souerane Lord, and Estaittis of Parliament foirsaidis, abrogatis, callis, and annullis, the XX act of the same Parliament haldin at Edinburgh, the said geir, ane thousand, five hundredth, fourscor, four geiris, granting commission to bischoppis and vtheris iuges, constitute in ecclesiasticall causes, to ressaue his Hienis presentatioun to benefices, to gif collatioun thairvpon, and to put ordour in all causes ecclesiasticall: quhilk his Maiestie and Estaittis foresaidis, declairis to be expyrit in the self, and to be null in tyme cuming, and of nane availl, force, nor effect. And thairfoir ordainis all presentationis to benefices, to be direct to the particular Presbyteries, in all tyme cuming; with full power to thame to gif collationis thereupon; and to put ordour to all materis and causes ecclesiasticall, within thair boundis, according to the discipline of the Kirk: Providing the foirsaidis Presbyteries be bund and astrictit to ressaue and admitt quhatsumeur qualifiet minister presentit be his Maiestie, or vther laic patrounes.

Ordanis the Presbitries quhilk as git hes not gottin in the voluntare contrubutiouns within thair bounds appointit for the Kingis garde to travell diligentlie therin, and quhat beis ressaueit to caus be send to Edinburgh to Alexander Lawfon, with the names of sik as refusis, and maks not payment betuix and the last day of May nixtocum.

As to James Anderfon xv merkis, his
the Minister of Dundy xxiiij ti, Mr Wm Methven for Dwms xxij ti,
and last ordans thame to caus the same be deliuerit to the said Alexander.

Anent the supplicatioun of the paroch of Derfy.

(Tak in the bill and ansuer.)

Ordaines supplicatioun to be maid in Parliament, that in all kirkis, allweill Abbay and Cathedrall Kirks, as vtheris quhatsumever, quher ather the haill parochin is kirkland, or ane part therof onelie, and ther has beine nather manse nor gleib knawin to appertene therto of auld, or gif ther hes beine ony, and the same nocht extendis to fowre aiker of land; That the Estaits of the Parliament mak the act afor concerning the delignatioun of manslis and gleibis to be extendit to all the foresaid kirks, and that ther be four aiker of kirk land delignit and grantit to the Minister maist commodious and ewest the kirk, quhidder ther hes beine na gleib ther or not, or ane part onelie, not extending to four aiker of land.

The Generall Assemblie of the Kirk gives full power to the rycht honorabill George Erle Marfchell, the Laird of Doune, zounger, the Laird of Cors, elder and younger, the Provost of Aberdeine, Allexander Rutherford, Allexander Cullane, burgeis ther, Mr Andro Meluill, Rector of Sanct Androis, Mr Robert Pont, Mr David Lyndfay, Mr Peter Blackburne, Mr David Cwynynghame, Mr Johne Johnestoun, Mr Thomas Buchannane, Mr Johne Spottiswod, Ministeris of the Evangell, Mr Robert Wylkie, Principall of Sanct Leonards, or to the maist part of the said bretherne, to conveine togidder, and visit the Colledge of Auld Aberdeine, ther to try and examine the doctreine, lyfe, and deligence of the Maisteris therof; discipline and ordour vlit be thame; as als the stait of the rent of the saids Colledges: And quher thay find abuis, sa far as thay may possiblie, to reforme; remittand to the Assemblie sick thingis as thay can not, to be takin ordour with be thame: and this tryell to begin the last day of August nixt; ordaining, in the meane tyme, that quhill thair cuming that na novatioun be maid ather be setting of new taks, confermeing of auld, or electioun of ony new Maister; and all things to stand ower in the estait thay ar in presentlie: firme and stable halding and for to bald all and quhatfumever the saids brether or maist part of thame in the premisses laufullye to be done: and ordaines thair procedingis to be reportit to the nixt Generall Assemblie of the Kirk.

Acta Sessione octava, Eodem die.

Anent the provisioun of the Kirk of Lucheris: In respect the haill Assemblie hes nominat Mr Johne Kynnier to be presentit to the saids parochineris be the Presbiterie of Sanct Androis to be thair Pastour, and to be tryit in doctrine, lyfe and conversatioun; and gif the saids parochiners hes na just of his refusall, to be admitit be the said Presbiterie to the ministrie of the said kirk.

Anent Colledges and rentis therof: The Assemblie hes ordaneit that na dispositioun of the leving and rentis therof, be tak or vther titile, be maid without the adwyse and consent of the Assemblie Generall, vnder the pane of depolitioun of the persouns doing in the contrair.

Anent the residence of Ministeris: For furthering of the residence of sik Pastours as for lack of manlles are not resident, it is resolut and aggreit

that every parochin, quher the Pastours manse is owther rowinous or altogether laikes, be ordainit to repare and build the samein manse vpon thair awin expenses, with stane, timber, and all vther materialls, workmanschip, cariage, and vther things neidfull for the repairing and bigging therof; quhilk if they failzie and refuse to doe, being dewlie requyrit, they fall not only, so many as refuses, be haldin be the Kirk the haille cause of thair Pastours non residence, bot also it falbe laifull to the aires, executours and assignays of the Minister or Reider departing, or himselfe during his tyme, to retaine the possessioun of the mans buildit be him, in cace he build the samein vpon his awin expenss after the refuseall of the parochiners, ay and quhill the [next] intrant Minister or Reider refound to him, his aires, executours and assignays, the haille expenss made be him for repairing and building, at the leift so mikle therof as the parochin cannot be movit to refound; and that the Presbytrie, at the intrants admissioun, fall take ordour for the performance [heirof]; provyding that the expenss [to] be made be the said Pastour or Reider exceed not foure hundreth marks; and that the Presbytrie, after the repairing or bigging of the said mans, tak the exact tryall and compt of his [said] expenss, and give him thair allowance therevpon, to be registrat in thair bookes: And this act to extend to them asweill that are alyve and hes alreadie biggit, as to them that are to bigge and repaire heirafter. And lykewayes the second and thrid Minister or Reider, and consequently the successours to the Ministers quher the mans is biggit, fall have the lyke title to crave of the intrant after him the saids expenss, quhilk he hes depursit to his predecessours, ay and quhill the parochiners redeime and outquyte the said mans or biggings therof, to be made frie thereafter to the intrant Minister or Reider.

Ordaines Mr Samell Chalmer to report the answers of the Kirk to his Hienes articles.

Anent the visitatioun of the buik of deligence produceit be Mr Robert Pont concerning his visitatioun of the bounds of Orkney, Zetland &c.: The bretherne appointit to syching therof, reportit thay had found great deligence vsit be him, and all thingis orderlie proceidit in vsing his said commissioun; and therfor the said Assemblie approveit his saids labouris and all things done be him in the said visitatioun, and speciallie in depoling of the perfouns not making residence.

Anent the proces produceit be the Presbiterie of Stirling concerning the mater of the parochiners of Eglisshame: The Kirk ordaines thair

brether, Mr Robert Pont, Mr Andro Meluill, to visit the proces and gif thair judgement to the Assemblée the morne at meiting.

Ane writting being presentit in the behalf of my Lord Sempill, haveing creadit gevin to him therin: The Assemblée ordainit his creadit to be communicat to the brether of the Conferance the morne.

In respect the Kingis Majestie his Commillioner is to depart for certane adois, thairfor the Assemblée, in his prefence, hes appointit thair nixt Generall Assemblée to be at Edinburgh the first Twysday of May cum ane geir.

Acta Sessione nona, octauo Aprilis 1593.

Anent the supplicatioun presentit to the Assemblée be the Laird of Vrie, and Hary Drummond, burges of Aberdeine, desiring ane continewatioun of tyme to confer with bretherne, and to be resolueit with the heids of religioun, that thereafter thay may subscribye the Confessioun of Fayth; and siclyk, anent the suite maid be Mr Thomas Menzeis, burges of Aberdeine, to ressave his confessioun and subscryptioun of the articles of religioun presentlie professit within this realme: The said Assemblée and Commiffioneris present haveing advysit therwith, hes ordinet the saidis persouns to resort to the bretherne of the Presbiterie of Edenburgh, to confer and be resoluit in all doutis thay have concerning the said religioun; and being resoluit, to satisfie the said Presbiterie in all things, according to the ordour to be takin be thame, to quhome the Kirk gevis power to tak ordour thereanent; and in caice thay satisfie the said Presbiterie, as said is, that thay gif to thame ane testimoniall of thair satisfiactioun; cautioun always being first takin befor the Kings Majestie and his Counsell for performeing of sick thingis as thay fall promes and subscribye to do to the said bretherne: and that ane writing be direct frome this Assemblée, informand the Erle Mersehell of thair proceedingis heirin.

Anent the proces deduceit be the Presbiterie of Stirling in the mater concerning the parochiners of Eglisshame and Mr Andro Boyd: The Generall Assemblée of the Kirk hes ordinet and ordaines that thair brether John Porterfeild, and Mr Andro Knox travill ernelle and effectiouflie, in name of the haill Kirk, with the Maister of Eglintoun in fauouris of the said Mr Andro, that, gif it be possible with his guid will and fauour,

the said Mr Andro may serve at the Kirk of Eglisshame, but trubill or impediment to be maid to him in ony fort, and that with all guid diligence : And in caice the Maister can not be moveit heirto, that the said breither mak intimatioun of his refussell to the bretherne of the Presbiterie of Edinburgh, to quhome the Kirk gevis power to tak ordour therin as thay fall find best for the weill of the Kirk and the glorie of God.

Forfamekill as ther is ane Parliament to be haldin shorthlie in Junij next, quhervnto many thingis concerning the Kirk ar to be proponit, and that the full Assemblie can not be conveyit therto, in respect of the Assemblie now haldin ; thairfor the haill Assemblie hes ordanit that ane broder or tua be direct from everie Presbiterie within this realme, to conveye the tyme of the Parliament in the place quher the same salbe haldin, to consult, treit, refone and conclud, vpon sik heids, articlis, petitionis, and supplications, as thay fall think meitt to be craveit and concludit be consent of Parliament, for the glorie of God, and for the well and confort of his Generall Kirk within this realme : Quhilkis bretherne fall have the power of the said Generall Assemblie, and proceid as the same mycht do gif the haill number wer present.

The quhilk day, efter the reasouns war hard and discusst, contenit in the appellatioun presentit to the Generall Assemblie be Mr Andro Young, Minister at Dumblane, the Generall Assemblie ordanes the Presbitrie of Dumblane to be transportit to Ochterardour, with libertie to the bretherne of Dumblane appeiling to resort ather to Auchterardour or Stirling, as thay pleis ; provyding alwayis, that in caice the gentill and nobill men quha hes subscryvit to assist the Presbitrie in Auchterardour, or vthers that fall happin to subscryve the same heirefter, gif instructioun to the bretherne to compleine of breking thair promeis ; and forder, in caice the Kirk of Auchterardour be not repaired sufficientlie betuix and the nixt Generall Assemblie ; or in caice ane sufficient stipend be not provydit for ane Minister, that he may mak residence at Auchterardour with manse, gleib : In thir caices or ony of thame, the Presbitrie salbe reestablishit in Dumblane ; and ordanis the Presbiteries of Stirling and Perth to establishe the said Presbiterie in Auchterardour vpon Thursday cum xv dayis, and constitute the samyn of the kirks containit in the roll of the Synodall Assemblie ; libertie being alwayis referuit to the breder of Dumblane, quhidder thay will cheis to be of the Presbitrie of Auchterardour or Stirling.

Forfamekill as in the Synodall Assemblieis the buiks of particular Presbi-

tereis are tryit and visitit; and heirtosor the buiks of Synodall Assemblies hes not beine tryit in the Generall, quhilk appeirit to the haill breder to be necessar: Thairfor it is concludit, that, in tyme cuming, to everie Generall Assemblie the buiks of the Synodall Assemblies salbe direct be the Synodollis, to be sychtit and confidderit in the Generall Assemblie, for vnderstanding the better of thair proceedingis, vnder the pane of the fen-four of the Kirk.

Anent the actis of the Kirk: That everie Presbitrie may be the better instructit therin, the Kirk hes ordinit Mr James Carmichell, quha hes alreddie tane sum paneis in correcting therof, to persyte the work, and to present the same to the nixt Generall Assemblie of the Kirk.

The General Assemblie of the Kirk gevis libertie to transport Mr Henrie Guthrie fra the Kirk quher he serves to ony vther kirk within thair bounds quher his giftis may be best imployit; and in caice thay do not the same, gifis libertie to the Presbiterie of Angus and Mernes to transport him to ane kirk within thair bounds, with his awin advyse.

Anent contraverseis betuix the bretherne of the Ministerie: For vptakin therof, it is resolut and concludit be the haill brether and Commissionaris present, that quher ony pley or contraverseie arryfis betuix tua brether of the Ministerie, thocht it be in ciuill materis, gif thay bayth be of ane Presbiterie, that thay elect breder of the said Presbiterie, to quhat nvmber thay think best, quha sall chose ane ouirman, and summerlie desyde and gif sentence in the mater, quhilk salbe irrevocabill, and na appellatioun to be interponit therfra: And gif thay be of diuerse Presbiterieis, that thay lykwayis mak electioun of bretherne of ather of the Presbiterieis in equall nvmber, as the saidis contententis sall aggrie; quhilk breder sa electit sall chois ane ouirman, and desyd and gif sentence, as said is, fra the quhilk na appellatioun salbe interponit; and gif ony broder wilbe wilfull and refuis this forme and submissioun, he salbe haldin be the Kirk contumax. And that this act be put in executioun presentlie for decisioun of the contraverseie betuix James Anderfoun and Mr Henrie Guthrie.

The Generall Assemblie hes gevin commissioun and expres command to the bretherne of the Presbiteries of Glasgou and Paislay, with all possible deligence, efter the disolwing of this present Assemblie, to charge Robert Lord Semple to separat and divyd fra him and out of his bounds, viz. out

of Cunnyngname and the Schireffdome of Ranfrow, Helene Drummond, adultrix; and that in caice the said Lord be tryit to be fund in suspect place with the said Helene in ony tyme cuming, athir within or without his bounds, or scho not to be removet, as said is, the saids Presbitereis to proceed aganis the said Lord and Helene to excommunicatioun, and pronounce the said sentence aganis thame bayth, vpon their disobediencie, the samyn being tryit ordourlie befor the saids Presbitereis: as also that the saidis Presbitereis proceed in forder tryell of the saids Lords apostacie, and contempt of the Word; and fynding him guiltie to injoyne sic discipline him as may remove the sklander, and to command him to obey and fulfill the same, or ellis vpon his refuell to excommunicat him.

Ordaines the Presbiterie of Perth to tak ordour for transporting of Mr James Row to sum vther kirk with his awin advyse, with the first opportunitie betuix and the nixt plat.

Anent the Ministerrie of Sanct Androis. Memorandum, The act is lyin in forme among the rest, quibilk shold be registrat.

The Generall Assemblie of the Kirk, be the autoritie gevin to them be God &c. Memorandum, To insert the said act. It is lyin with the rest.

Forfameikill as in ansuering of billis gevin in vnto the Generall Assemblie often tymes for lack of knowlege of the stait of the compliments, ansueris ar gevin thairto reklellie to the preiudice of bretherne: thairfor for remeid therof in tyme cuming, that the Commissioners of tha parteis quherin the compliments ar maid, gif they be present, be callit be the breder appointed to the ansuering of the bills, for thair better informatioun.

Anent the Ministrie of Sanct Androes: The Generall Assemblie ordaines and appoints Mr David Black, Minister of Sanct Androes, to discharge the duetie of a laifull ordinar Pastour therin, in preaching the Word, ministratioun of the sacraments, and exercise of discipline, so farre as he is able to doe, according to the measure of his gifts that God hes bestowit on him: And to the intent that the said Mr David may, with fruit and confort, travell in the said ministrie, the said Assemblie ordaines the said Mr David to give in to the Presbitrie ther such things as he wald have furtherit and brocht to passe for the weill of the said congregatioun and ministrie therof, to the performance quherof the said Presbitrie fall indevore themselves to thair vttermost, having befor thair eyes the honour of God, the weill of the peiple and towne, and the ease and peace of thair awin

consciencies; vnto the quhilk Presbitrie this [present] Assemblie grants and committs thair full power and authoritie for that effect. And becaufe the said Mr David is not able to entir in that charge alone, the said Assemblie hes nominat Mr Robert Wallace, for the speciall meitt qualities they know to be in him, to be associat with the said Mr David, as ane fellow labourer in the ministrie forsaid; givand full commissioun to the Presbytrie to try the consent of the haille towne and Vniversitie of Sanct Androes, concerning thair lyking of the said Mr Robert to be associat in the ministrie, as said is; and finding no reasonable cause [allegit and] verified againis the said Mr Robert, in lyfe or doctrine, quherfor they sould not give thair consent and approbatioun to the said Mr Robert, for the cause mentionat, bot the most part of the towne and Vniversitie consenting to his resait, the Generall Assemblie ordaines [the said Presbitrie] to associat and place the said Mr Robert, fellow labourer in the ministrie of Sanct Androes, with the said Mr David Black; and the said towne of Sanct Androes to pay the said fellow labourer his stipend thankfullie, according to the promise made in Synodall and Generall Assemblies. And in cace the most part of the said Towne and Vniversitie consent not to the receiving of the said Mr Robert, the Kirk gives libertie to the said Mr David, with the advyce of the [said] towne, to choose ane brother of quhom they may both have lyking: And to the intent this ordour takin with the Ministrie of Sanct Androes as is above sett downe, may be the better performit and settlit, the said Assemblie gives commissioun to Mrs Robert Bruce [and] David Lindsay, conjunctlie and severallie, as thair adois and occasiouns may permitt, to visite the said Kirk of Sanct Androes in thair returning from the Assemblie, and travell with the whole number of the said Kirk, for putting of thair ministrie to ane peaceable stay and ordour; as also to sie that quhilk is decernit in this Assemblie concerning the landwart, to be forderit and brocht to pas, and for quyeting the estate of the towne.

Mr William Cock, Commillioner, for the Provost, Bailies, and Counsell of the towne, dissassentit from the nominatioun of Mr Robert Wallace.

The Generall Assemblie, be the authoritie givin to them of God, discharges all and every Christian within the Kirk of Scotland, from requiring to any of the King of Spaine his dominions quher the tyrannie of Iniquitioun is vsed, for traffique with merchandice, negotiatioun, or exerce of

fea fairing occupatioun, vntill the tyme the Kings Majestie, be the advyce of the Counsell, hes focht and obtainit speciall libertie and licence from the King of Spaine for all his liegis and subiects, to traffique in merchandize, and occupie within the haill pairts of the faid King of Spaine his dominiouns, without any danger to thair persone or guds, for the cause of thair religioun or conscience, vnder the paine of incurring the censures of the Kirk, untill the last sentence of excommunicatioun.*

* The proceedings of this Assembly, with the exception of the two last articles, are printed from a Manuscript in the possession of the Very Reverend Principal Lee, which appears to be the original Minutes in the handwriting of one of the Clerks of the Church.

A. D. M.D.XCIV.

THE Generall Assemblies of the Kirk of Scotland conveyit at Edinburgh, the 7 day of May 1594 zeirs.

Exhortatioun beand made be Mr David Lindefay, last Moderatour, the Assembly proceedit to the electioun of a new Moderatour; and appointing the leits, Mrs Andro Melvill, Patrick Galloway, Patrick Simfene, Robert Pont, the said Mr Andro was chosen hac vice.

Sessio 2^a 8 Maij.

The necessitie of the tyme, and affaires quhilk are to be intreatit, being considerit be the Kirk, it was concludit that no brother having commissioun to this Assembly depart from the samein, befor the finall dissolutioun therof, without licence obtainit therfra vnder the paine of suspensioun from their office, untill they be reponit be said Generall Assembly thereto againe.

And as concerning the penaltie of Commillioners that comes not to the Assembly at all, or remaines not quhill the end therof, ordaines the Register to be considerit, quhat hes bein statute already, and to report afternoone.

Sessio 3^a. Eodem die.

Anent the citatioun of James Drummound, Oliver Zong, James Adie, Johne Reid, Patrick Justice, William Hall, indwellars of Perth, at the instance of the brethren of the Presbitrie ther, for the slanderous resetting of the apostats Lords within thair towne: The saids persons compeirand, and inquirit, If they receipt the saids Lords, and acknowledgit therin simplie ane offence done to God and his Kirk, ansuerit, They receipt them, bot against thair will, and for obedience givin to the Kings charge; alwayes befor the coming of the charge, the greatest part of the towne had condiscendit to receive them: and being urgeit with the promise they made not to receive them, and violatioun therof, ansuerit, That promise of assistance was made to them and not keipit. After quhilk ansuer, being removit, and certaine good brethren direct to conferre with them, and re-entring, they for themselves, and in name of the haill toun, confest to the glorie of God and satisfactioun of the Assemblie, that they were over rash and sudden in receiving such notorious enemies to God, desyring most earnestlie that no man be slanderit or take evill example therby; protesting before God, they entrit in the towne againes thair hearts that are present heir, promiseing, be Gods grace, nevir to give occasioun in tyme coming, and to assist and mantaine the true Kirk of God and his religioun profess publickly within this realme, and to resist the enemies and adversaries therof to the vttermoost of thair power, and to obey and put in executioun, so farre as concernes thair duetie, the ordinances of the Kirk aggrieing with the Word of God: Quhilk professioun they gave in wryte, and subscribed the samein with thair hands, so many as could wryte, in presence of the haill Kirk; quherwith the brethren standing content, ordainit the Minister of the towne of Perth to publish the samein in pulpitt, and to declare the satisfactioun of the Assemblie theranent; ordaining also the actis concerning this offence, registrat in the bookes of the Presbitrie, and processe deduceit therin against the towne, to be obliterated and put out of the Register.

Sessio 4^a. 9 Maij.

Anent the sentence of excommunicatioun pronouncit be the brethren of the Synodall Assemblie of Fyfe [in October,] against the apostlat Lords : The haill Assemblie, in ane voyce, ratifies and avowis the said sentence, and proces of excommunicatioun led against them ; ordaining the haill Pastours within this realme, to intimat solemnie at thair kirks the said sentence, that none pretend ignorance of the same ; except Alexander Lord Hoome, quho hes satisfied the Kirk, and is relaxit therfrom.

Forfameikle as particular inquisition hes been made of the Presbitries, concerning thair diligence for extirpation of Papistrie, discipline vsed against them, and receipters of excommunicats and Jesuites and Seminarie Priests, querthrow the danger evident to the true religioun and the Kirk of God may be rightly weyed, It was thocht meit to take a consideration of his Majesties indevore and of the haill Kirks forder in this matter ; quherin, first, findrie of his Majesties good ettlings were laid down, specialie at the raid of Aberdein, quherin his Majestie, Noblemen and Barrons, conveynit, made a Band for [the] surety of religioun, tooke the houses of the apostates, and put men into them, callit such as were Papists, quhilk were sent to Edinburch to satisfie, and commillion givin be his Majestie to the Erle of Marshell of Lievetennandrie for repressing of Papists and traffickers.

Sicklyke diverse Barrons callit in be his Majestie to cognosce the same to be thair hand wrytes of the blankes subserivit be the apostlate Lords, quho verified the samein to be thair hand wrytes.

Item, After his returning from the said raid, ane act of Counsell made, that nane sould procure at his Majestie to any favour or grace to them, with ane charge to his Ministers to take the oathes of his domestickes, that they sould no wayes interceid for them at his hand ; quhilk was done.

[And as concerning the part of the Kirk in thir dangers : That it may appeare they have not bein ydle or negligent [in] craveing remedie, thair travells was considerit in this, that Commillioners from the Assemblie had proponit articles to the Parliament for forfaitour of the apostlat Earles ; that petitions were directit from a Convention of Ministers and Barons holdin in Edinburch, to the King when he was at Jedbrught, and again

from another Convention holden at Linlithgow ; of all quhilk small fuccesse hes bein, and the danger nothing diminifchit. C. & B.]

Followeth the tenour of the Band and Aët above fpecified, [ordained to be registred in the Books of the Affemblie. C.]

We, Noblemen, Barrons, and vthers, vnderfubfcriueand, being fullie and certainelie perfwadit of the treasonable practifes and conspiracies of fundrie his Hienes vnnaturall and vnthankfull fubieëts againft the eftate of the true religioun prefentlie profest within this realme, his Majefties perfon, crowne, and libertie of this our native countrey, and finding his Majefties good difpofitioun to prevent and refist the famein, and to repreffe the cheif authors therof, his Majeftie having our concurrence and affiftance to the famein effect, Therfor, according to our bound duetie and zeale aught to Gods glory, love of our native countrey, and affectioun to his Majefties perfon, crowne, and eftate, we have promittit, and be thir preffents promitts, faithfullie binds and obleifhes vs, and everie ane of vs, to concurre and take ane effald, leill and true part with his Majeftie, and ilk ane of vs with vthers, to the libertie and defence of the faid true religioun, crowne, and countrey, from thraldome of confcience, conqueifch and flaverie of ftrangers, and refifting, repreffing, and perfute of the cheife authors of the faids treasonable conspiracies ; as, in speciall, of George Erle of Huntlie, William Erle of Angus, Francis Erle of Erroll, Sir Patrick Gordoun of Auchindoun, Knyght, Sir James Chifholme of Dundarne, Knyght, Mr James Gordoun, William Ogilvie, Robert Abercumbie, and all vthers Jefuites, Seminarie Preifts, traffiqueing Papifts, and vthers, his Hienes declairit traitours, rebellious and vnnaturall fubieëts, treasonabill practifers againft the eftate of the true religioun, his Majefties perfon and crowne, and libertie of this our native countrey : And to that effect, we, and every ane of vs, fall putt ourfelves in our armes, ryfe and concurre, and paffe fordwart with his Majeftie his Livetennants, or vthers having his Majefties power and commiffioun, at all tymes, as we falbe requyrit be proclamatiouns, miffive letters, or vther wayes, and fall never fhrink nor abfent ourfelves for any particular caufe or quarrell amongft ourfelves : We fall not ryde, affift, fhew favour, give counfell to [nor take part with] the faids Erlis, Jefuites, nor vthers forfaids, nor get with the perfons de-

nuncit, or that falbe denunciit to the horne, or declarit fugitives fra his Majesties [lawes,] for the treasonable fyre raising and burning of the place of Dunbirsle, and murther of vmquhile James Erle of Murray, and neither receipt, supplie, nor intertaine them, nor get furnishe them meat, drink, house, nor harberie, nor vtherways have intelligence with them, privatly nor publickly, be letters, millives, nor no vther manner of way; the skaith and harme of vthers we fall not conceale, but disclose and impede the same to our vtter powers; the quarrell or persute of vs or any of vs we fall esteime, lykeas presentlie we doe esteime, equall to vsall; and, be ourselves, our haill forces, lykeas his Majestie, with his Hienes force and authoritie, hes promittit and promitts to concurre and assist together, ilk ane in the defence of vthers to our vtter powers; and in case any variance fall happin to fall out amongst any of vs, for quhatsumevir cause, we fall submitt, lykeas presentlie we submitt vs, to the judgement and delyverance of any two or thrie of the principalls of vs, subferyvers of this present Band, and fulfill quhatsumevir falbe declarit be them but reclamatioun or contradictioun.

Attour his Majestie, be whose directioun and command, with advyce of his Counsell, ther is certaine Barrons and vthers Gentlemen directit to remaine in the south parts of this realme, hes promittit, and be thir presents promitts, be the word of a prince, that the samein Barrons fall not be licentiat to returne home againe to the saids north parts; neither fall any favour be grantit to the saids Erles, Jesuits, nor vtheris above mentionat, nor [no] ordour tane nor dispencit with, without the speciall knowledge and advyce of the Livetennant and Commillioner for the tyme, and sixe of the principall Barrons, at the least, inhabitants of the saids north parts, subferyvers of this present Band: And this to doe, we, the saids Noblemen, Barrons, and vthers forsaide, hes sworne and swears be the great God our Creatour, Jesus Chryst his Sonne our Redeimer, the Holie Ghost our Sanctifier, witnesses of the veritie beir aggried vpon, and revengers of the breake therof; and sarder obleishe vs heirto vnder the paine of perjurie, infamie, and tinsell of credit perpetuallie, honour and estimatioun in tyme comein, belydes the ordinarie paines of the lawes to be execute vpon vs, in signe and memorie of our vnnaturall defectioun from God and his Majestie. In witnes quherof, we have subserivit thir presents with our hands, as followes, lykeas his Majestie, in token of his allowance and approbatioun of the premisses, hes subserivit the samein, att Aberdein the day of Marche 1592.

[The names of these that subscribed the Band anent the Religion, at
Aberdeen, March 1592.

JACOBUS REX.

Lennox.	George Ogilvie of Banff.
Atholl.	J. Lindsay of Brodland.
Marr.	George Roffe of Balnagoun.
Marishall.	William Forbessie of Tolquhown.
Henry Stewart of Uchiltree.	John Forbessie of Echt.
Cancellarius.	William Strachan of Glenkindie.
James Lord Lindsay.	Alexander Blakhall of that ilk.
John Lord Inverness.	John Lumfdane of Cuschnie.
Inuermethe.	John Urquhart of Culbo, Tutor of Cromertie.
John Master of Forbessie.	John Cuming of Earnside, younger.
Sir Robert Melvill.	William Leslie of Wardes.
Blantyre.	Alexander Forbes of Thainstoune.
[Cockburne, Sir John ?] Cobrone.	Mr Alexander Cuming of Ailter.
Tullibardine.	William Burnet of Campbell.
Sir George Hume.	Patrick Gordon of Hilhead.
Alexander Hume.	Andrew Harvy of Elke.
Drum.	William Forbessie of Corse.
John Grant of Frewquhy.	Alexander Forbes, Tutor of Brux and Gelane.
Walter Ogilvie of Finlater.	Alexander Forbessie of Fingask.
Philorth.	William Keith of Ludquharne.
Pitligo.	Alexander Skeene.
Robert Innes of that ilk.	Donald Farquhardfone of Tilligar- month.
John Midletoun of Kilhill.	Thomas Frazer of
Walter Ogftone of Fettercarne.	Hector Munro of Foullis.
William Achanachie of that ilk.	Andro Frazer in Tyry.
Mr William Meldrum of Mancofer.	William Sutherland of Duffus.
Robert Falconer of	Alexander Hay of Dalgetie.
James Lyall of	Walter Cheyne of Arnege.
Arthure Gardine of Banchrie.	
George Hume.	
Kenneth M ^c Kenzie of Kintail.	

Patrick Cheyne of Eslmonth.
 Gilbert Meinzeis of Petfodelis.
 J. Burnet of Leyis.
 William Forbessie of Carfindea.
 John Gordon, with my hand, young-
 er of Auchindore.
 Alexander Forbessie of Auchintoul.
 George Jhonelloune of that ilk.
 John Forbessie of Colleis.
 George Bannerman of Waterton.
 James Gordon of Haddo.
 Andrew Reid of Collestoune.
 Androw Tillidassie of Rannestoun.
 Andrew Frazer of Stoniewood.
 William Forbessie of Monimusk.
 James Mortimer, feir of Cragivarr.
 Petrie Lesslie of that ilk.
 Petrie Lesslie of Kinceragie.
 Androw Lesslie of Newlesslie.
 James Stewart of Ryland.
 John Frazer of Crichtie.
 James Innes of
 William Abernethie of
 Thomas Leask of that ilk.
 David Brodie of that ilk.
 Mr William Lesslie of Warthill.
 Mr James Skeen of Westercorse.
 Alexander Strauchan of Thorntoun.
 Mr Robert Douglas of Glenbervie.
 J. Areskine of Pitodrie.
 Robert Straquhan of Dillivaird.
 [Sir John] Wisheart of Pittarow.
 Robert Arbuthnet, feir of that ilk.
 William Rossie appeirand of
 John Dumbarr of Maynes.
 Walter Watt of
 William Udney of that ilk.

Alexander Dumbarr appeirand of
 Tarbat.
 Mark Dumbarr of Dullus.
 William Seatoune of Blair.
 John Keith of Rewinlairaig.
 Duncan Lesslie of Pitcaiple.
 Robert Coutis of
 George Mortimer of Auchinbeadie.
 Alexander Buchane of Auchmacoy.
 John Grahame appeirand of Morphee.
 John Pantoun of Pitmedden.
 Alexander Chalmer of Balnacraig.
 John Rossie of Auchlosin.
 George Meldrum of Drumbrek.
 Archibald Douglas of Pendreich.
 Robert Tulloch of Tannacheis, Provest
 of Forreffe.
 Alexander Cumming appeirand of
 Alter.
 William Keith appeirand of Pittarey.
 John Keith of Northfeild.
 Alexander Ogilwy of Boyne.
 John Hay appeirand of Lochloy.
 Alexander Kinnaird appeirand of
 Cubin.
 John Lesslie of Dandileith.
 William Wrwing of Beltie.
 George Ogilvie of Cullen.
 John Chalmer of Bobithen.
 John Abercrombie of Skeith.
 William Dumbreck of Wrtoune.
 Hugh Crauford of Qubithill.
 George Adamson of Brako.
 John Innes of Auchlunkart.
 John Forbessie of Auchanachie.
 William Abercrombie of
 Robert Innes of Elrick.

William Chalmer of Achorthie.	Magnus Mowat appeirand of Bucholy.
William Forbessie of Barnes.	William Ogilvie appeirand of
Alexander Skeen of that ilk.	John Ogilvie of
John Irwine of Petmurchie.	Thomas Innes appeirand of Edingeith.
Alexander Caddell of Aslowan.	Alexander Gardine of Blackfuird.
Alexander Innes appeirand of Path-	George Gardine of Banchrie.
nick.	Alexander Keith of
Andrew Meldrum appeirand of	Thomas Burnet of Craigmyle.
Alexander Hay of	Alexander Abernethie of Lashindrum.
[Alexander] Burnet of Gask.	Alexander Spence of Boddum.
William Ferquharfone of Kelleyis.	James Creightoun of Coulen.
William Craig of Craigfintrie.	James Ogilvie of Blerock.
Gilbert Ogilvie of	James Forbessie of Fichile.
William Pendreigh of that ilk.	Alexander Annan of Achterellen.
Alexander Leslie of Bucharne.	Andrew Meldrum of Auchorthie.
Mr John Innes appeirand of Coklton.	David Ramsey of Bomaine.
Alexander Frazer of Dorris.	Seatoun of Craigie.
Andrew Knokis of that ilk.	John Cruikshank of Tillimorgen.

[Apud Halirudhous quinto die mensis Januarij. Anno j^{co} v^o lxxxxij^o.

Forfamekill as albeit the dangerous effectis of the couerit and bissie trauellis of Jesuitis, Seminarie Preistis, born subiectis of this realme, and sum vthiris strangearis, thir late geiris hes bene oft espyit and fearit, and for that caus, be findrie louable lawis, actis, and proclamationis, alswele thair awin remaining as thair ressett, prohibite vnder diuers heich panes; git thair cullourit simplicitie and entisementis hes sa fer preuailit as thay haue nocht onlie purchest to thame selfis fauour and credite to be keipit, huirdit, and intertenyit in findrie pairtis of the realme, estir mony promisses maid that thay sould haue departit furth of the same, but als thay haue tane occasioun and lasure to perswade findrie of his Hienes subiectis to apostacie frome that religioun quhairin thay wer fosterit, weill instructit and groundit, and hes confermit vthiris in thair errouris, and at last seduceit thame to cast of thair dew obediens quhilk they aw to his Maiestie, and entir in tressounable conspiracie for inbringing of strangearis Spangeartis in this

realme, this nixt spring or founer, to the ouerthrow his Hienes and all professing the trew religioun with him, and to the ruine and conqueist of this ancient kingdome and libertie quhilk this natioun hes inioyit sa mony ageis, that it may be subiect heireftir to the flauerie and tyrrannie of that proude natioun, quhilk hes maid sic vnlauchfull conqueist in diuers pairtis of the warlde, allwele vpoun Chritteanis as Infidellis, quhereuir the ayd of Spayne hes bene socht; regarding in the end na better thair inbringaris nor thame aganis quhome thay wer inbrocht, being anes victoris and commandaris, as easilie may be provin be speciall examplis, quhilk the malicious and vn-naturall subiects of this realme wald repute bot as generall and improbable discourfis, publiſt in haitrene of that natioun to quhome thay haue alreddy fauld thame slaveis, and ar thair freindis and factouris in this land as thay speik and write, wer nocht it hes bene the gude plesure of Almightye God to mak the pruffe heirow certane and without all doubt, be detecting of the simple trouth of the intencion and finall caus of all the craftie practizes of thir pernicious trafficquing Papistis, Jesuitis, and Seminarie Preistis, aganis God, trew religioun, his Maiestie, and libertie of this cuntrey; namelie, Maister James Gordoun, fader bruthir to the Erll of Huntlie, Maister Robert Abirerumby, fader bruthir to the Laird of Murthley, quhais letters, directionis, aduyſes, ſea and the meſſingeris caryaris of thair credite and certane vthiris cheiff instrumentis and furtheraris of thair trade, God hes caſſin in his Hienes handis, quhen the ſhip appointit for thair transporting wes in full reddynes to mak fail: Quhairby his Maiestie is now not onlie ſufficientlie foirwarnit of the eminent dangeir to trew religioun, his awne estate and persone, his realme and faithfull subiectis, bot resoluit with Godis help, be quhais Prouidence he hes bene ſa wonderfullie delyuerit fra mony former perrellis, to try the full circumstanceis of this ſa heich a conſpiracie and detestable treſſoun, to withſtand it, and pyniſhe the ſame on all giltie thairis, in example to the poſteritie; and that nane of his subiectis heirtofoir abuſit and diſſavit be the craftie illuſionis of thir pernicious and buſy werkmen, ſall remane ony langar doubtfull of the treuth, or of his Maieſteis awne mynd and intencion, Ordanis letters to be direct to officeris of armes, Schireffis in that parte, to mak publication of the premiſs, be oppin proclamation, at the mercat croceis of the heid burrowis of this realme and vthiris placeis neidfull, for warning thame of thair awne dangeir, giſſ thay ſall ſuffir thame ſelſis to be ony langer led in errour be ſic diſſavable ſpiritit, to the

perrell of thair faulis, bodyis, landis, and guidis ; and therfoir to abstene frome forder harkenning to thair treffounable perswasionis, and frome all intertenyng, reffett, supplee, intercommoning, or haueing intelligence with thame, directlie or indirectlie, vndir quhatfumeuir pretext or cullour, vndir the pane of treffoun ; commanding alswa all and findrie his Hienes faithfull and obedient subiectis that luiffis and feiris God, and wald the standing and weilfair of his Maieftie thair Souerane Lord and King, professing with him the said trew and Christeane religioun, and desyris that thay, thair awne wyffis, bairnis, and posteritie, shuld now and heireftir enioy the commoditeis of this thair natiue cuntrey, vnconqueist and made slaves in faullis and bodyis to merciles strangeris, that thay eirnistlie imploir the mercy and protectioun of Almichtie God for thair defence and sauegaird ; and putt thame selffis in armes be all the gude meanis thay can, remaining in full reddynes to persue or defend as thay salbe certifeit be his Maieftie or vthirwayes findis the occasioun vrgent ; in the meantyme diligentlie espying and getting intelligence of the treffounable courtes and procedingis of the saidis Jesuitis, Seminarie Preistis, and trafficking Papistis, thair fauouraris, mantenaris and reffettaris, and mak aduertisment to his Maieftie or ony of his Counfall thairrof, with all speid and celeritie, as thay will anfuer to God and his Maieftie thairvpoun. Reg. Sec. Conc.]

The Generall Assemblie of the Kirk gives commissioun to thair brethren, Mrs Patrick Galloway, the Kings Majesties Minister, Peeter Blackburne, and Patrick Simfone, to give informatioun to his Maieftie [residing then at Sterlin] of the evident danger imminent to the Kirk of God within this realme, according to the instructioun givin to them ; and therwithall to present to his Maieftie the humble articles and petitionis of the Assemblie proponit for removeing of the saids dangers ; and to insist with all humilitie and due reverence for his Majesties good anfuer thervnto, to the glorie of God and good of his Kirk ; and to report with all good diligence his Majesties anfuer, before they dissolve.

The dangers quhilks, throw the impunitie of the excommunicat Papists, traffiquers with the Spaineards and vthers enemies of the religion and estate, are imminent to the true religion profest within this countrey, his Majesties person, crowne, and libertie of this our native countrey.

The samein dangers, quhilks of befor be the craftie and pernicious practises of the Jesuites, and the malicious, vnnaturall, and treasonable conspiracies of the Erles of Huntlie, Erroll, and Angus, with their complices, threatins the subversion of the true religioun, and the professours therof, his Majesties crowne and person, and betraying of this thair native countrey to the cruell and merciles Spaineards, and were at that tyme discoverit, and [vively] apprehendit be his Majestie and Estates, and haild body of this realme, so evidentlie that none can pretend ignorance, at this tyme are imminent, more vrgent, and more to be feared nor quhen the danger appeirit to be greatest, as may evidently appeir be the reasons following :

First, It is certaine that the Spaineard, quho, with so great preparatioun in the 88 ȝeir, interprysed the conquest of this yle, remaines as yet in that firme intentioun, and waites only vpon a meitt occasioun to accomplish that his purpose, as appeirs cleirly be his continueing in [this] intertainment of intelligence and traffiqueing with the forsaids excommunicats ever since the dissipatioun of his navie.

Secondlie, The manifest rebellions of the forsaids excommunicats and defectioun from his Majesties obedience, after so evident appeirances of thair wrack for thair manifest and treasonable attempts at the Brig of Dee, at Falkland, &c. and the prooffe of his Majesties clemencie and favour towards them in pardoning thair foirlaids treasons, declares that thair malicious and restless ingynes in the prosecuting of thair vnnaturall conspiracies aganis the religioun and countrey, cannot leave [off] nor cease so long as they are not punished, nor restrained by justice and executioun of justice.

Thirdlie, Quheras the Kirk, at all occasiouns, hes insillit to declare to his Majestie and Counsell, and Estates, the dangers evident for the tyme, and to crave convenient remedies thervnto, ȝet in effect nothing hes bein obtained thervnto, notwithstanding quhatfomevir promises, actis, proclamations, readis &c. ; quherthrow they have bein alwayes put in great securitie, and takes libertie and boldnes of farther practises and attempts.

Fourthlie, Notwithstanding it was expresse provydit be act of Counsell, that none shuld presume to traffique or speake in favour of the saids excommunicats, vnder the paine of tinfell of thair offices ; yet now they are advancit in greater credit of his Majestie, that have bein knowin to be thair cheifest favourers ; and they cease not yet, contrair to thair promises, to procure them all favour, sicht and immunitie, as it appeirs in effect, quhatsoever they pretend.

Fyftlie, The erectioun of the idolatrie of the Mefs in diverse quarters of the land, as, namelie, in Mr Walter Lindfayes house of Balgay in Angus, in the zong Laird of Bonytounes house of Birnes, in the Erle of Angus house of Bothwell in Cliddisdail, and in the places of his residence in Dowglafdaile, and in the Erle of Huntlies house of Strabogie and Auld Aberdein, in the Erle of Errolls house of Logieamount and Slaines, proves cleirly that either they find themselves sufficiently assured of such favour and assistance within the countrey as may plainly maintaine thair cause be force, or els [that] they are perswadit of the aide of strangers, to be at readines in such due tyme as they may serve for thair releife, before that his Majestie and the professours of religioun performe any thing in effect in the contrair, or vtherwayes they durst never so openlie disclose thair idolatrie.

Sextlie, The refuseing of the act of abolitioun offerit to them be his Majestie, to the great greife of his good subiects, proveth sufficiently the samein ; for it is very probable and manifest that they never wald have refusit so great a benefite, except they had thought themselves fullie assured of a better, either be favour of Court and assistance within the countrey, or be [concurrence and] aide of strangers without.

Sevinthlie, Thair refusall to entir in ward, notwithstanding of his Majesties indignatioun, and all that might follow therevpon, proves the samein.

Auchtlie, The late arriveall of this barke at Montrois evidently shawis, that thair dangerous practises are presentlie at the point of executioun aganis the religioun and the countrey, and mon hastilie bring forth some great inconvenient, except they be preventit and resistit be ane present remedie.

Nynthlie, The oppin conventiouns of the forsaide excommunicat Erles haldin at Brechin and vther places, since the arriveall of the said bark, declares that they esteime thair courses now to be so substantially led, that they regard not quhat [may] be done for resisting of the same.

10. The diligence of the faids excommunicats in preparing and putting thair hail forces in the north in armes and readines, vpon advertifement, shewis that they have some present interpryse, and attends only vpon concurrence, quhilk appeirandly they are verie meikle animat to looke for since the arrivall of the said bark.

11. Quheras his Majestie and Estates, at the first discoverie of thair conspiracies, apprehendit a very great danger to true religioun, the Kings Estate and Crowne, and libertie of the countrey; and notwithstanding that the samein cause of danger as git remaines hail vnremovit, ther is no apprehensioun of any danger, nor earnest care to withstand it: It is evident, that either ther is ane inclinatioun and purpose to cover, extenuat, and beir foorth the evill cause, quherthrow they will not lie; or els the Lord in judgement hes blindit and hardnit the hearts of all Estates, to grop in the mid day that quhilk they cannot lie, quhilk is the greatest danger of all, and ane most certaine argument of the wrath of God, and his heavie judgement hingand over the land, and so meikle the more to be fearit, because ther is no cause of feare apprehendit.

Remedies of the samein.

For remedie of the forfaids dangers, the Assemblie ordaines the Commissioners to deale earnestly with his Majestie, that he may apprehend the perrill, and be movit with ane bent affectioun, to proceed against the foirnamit excommunicats, Papists, traittours, as followis.

The Remedies.

1. That the faids excommunicats be forfaitit without favour, and to that effect, that the Parliament appointit to the 27 of this instant, be baldin preceisslie without any kind of delay; the advocat sufficientlie instructit in every point, that the sum-mounds may be found relevant, and sufficient probatioun provydit.

The Kings Anfuers.

There sall nothing of the turne be vndone on my part, as I have at lenth declarit to the beirers.

2. That none suspect of religioun be chofin vpon the Articles.

Great reason, and farther as I have shawin the forsaid bearers.

3. That they be persewit after the foirfaultrie be way of deid with all extremitie, and thair land and rents annexit to the crowne, to remaine with his Majestie and succeffours for ever, and no part therof disponit to any in favour of the persons foir-faultit.

Great reason, the foirfaultrie being endit.

4. That in the meane tyme his Majesties guard be imployit for apprehending of Mr Walter Lindsay, the Abbot of Newabbay, Bonytoun, zounger, Mr George Ker, Mr Alexander Leslie, Thomas Tyrie, with all vthers traffiquers, Jesuites, and Seminarie Preists, not contained in the fumounds of forfaultrie.

How willing I am to be imployit in apprehending any practiseing Papists, I remitt me to the bearers declaratioun.

5. That the rebells houfes be takin, chargit and mannitt, [and thair] livings intromettit with and vptakin into his Majesties vse without favour, and no part therof disponit to thair friends, or any vther person for thair comoditie.

Great reason how soone they are for-faultit; [and] I thank them for thair Counsell.

6. That all persons be inhite vnder the paine of treason, and tinfell of lyfe, land and goods, to receipt, supplie, ryfe, concurre, and have intelligence with the forsaids excommunicats, vnder quhatfumevir pretence of vassalls dependers.

Great reason, thair foirfaultour alwayes preceeding.

7. That the haill subiects be chargeit to put themselves in armes, be all good means they can, remaining in full readines to persew and defend, as they shalbe certified be his Majestie, or vtherwayes findand the occasioun vrgent.

To be ready at my charge is very meet ; but I vnderstand not the last clause of vrgent occasioun.

8. That the bark arrayvit at Montrois be apprehendit, and that the persons that were within her, together with such [vthers] as hes had a dealing with them, according as they shalbe givin vp in tickett, be callit and diligentlie examinitt for discoverie of the practises and purposes quhilk they have presentlie in hand.

I sall omitt no diligence in that quhilk can be requyrit at my hands, as I sall ansuer to God.

9. Forsameikle as the Lord Hoomie hes contraveinit fundrie points, quherin he was oblischit to the Kirk of Edinburgh be his promise at the receiving of his subscriptioun, as, namely, in not satisfieing the Assemblie of Fyfe ; in not receiving a Minister in his house ; in not removeing out of his companie Captaine Andro Gray and Thomas Tyrie ; quherby, [as] also be his slanderous lyfe sen his subscriptioun, he hes givin just cause of suspicioun to the Kirk and all good men, that in his heart he is not yet truelie sanctified and converted to the true religioun : Therefore, that his Majestie wald take earnest tryall of the premisses, and thereof judge if ther appeir in him sicker a

Distingue tempora et concordabis Scripturas. The meaning of this the beirers will expone vnto you.

finceritie of religioun and lyfe as his Majestie may lippen to, and the Kirk looke for sure freindship in such dangerous a tyme, in the cause of religioun ; quhilk not being found, that his Majestie wald remove him fra his companie, and discharge him of all publick office and comandment.

10. That the Guard presentlie takin vp be tryed, together with thair Captaines, in respect of many complaints givin in against them to the Affemblie.

The complaints belongs not to thair office : Alwayes I have satisfied the beirers heirin. Sic subscribitur,

JAMES R.

At Edenburgh the 10 of May 1594.

The Affemblie gives commissioun to Mrs Patrick Galloway, Robert Rollock, Patrick Simfene, James Melvill, James Nicolfone, to propone the dangers and remedies above wrytin to his Majestie, and to report his Majesties anfuers theranent. Sic subscritur,

Mr ANDRO MELVILL, Moderatour.

Sessio 11^a. 13 Maij.

Anent the horrible superstitioun vsed in Garioch and diverse parts of the countrey, in not labouring ane parcell of ground dedicate to the Devill, vnder the name of the Goodmans Craft : The Kirk, for remedie therof, hes found meitt that ane article be formed to the Parliament, that ane act may proceid from the Estates therof, ordaining all persons, possiessours of the faids lands, to cause labour the samein betuixt and ane certane day appointit therto ; vtherwayes, in cace of disobedience, the faids lands to fall in the Kings hands, to be disponit to such persons as pleases his Majestie, quho will labour the samein.

Sessio 12^a 14 Maij.

Anent the supplicatioun of the Minister and parochiners of Bruntiland, desyreand the Assemblie to allow the act of the Synodall Assemblie of Fyfe concerning thair new kirk, in allowing therof to be the paroch kirk: The hail Kirk present being advysit with the said ordinance, vnderstanding that the new kirk buildit be thame is most comodious for the parochin, both in respect of the greatnes of the congregatioun, and ewillnes of the place, and alwayes more convenient then the auld kirk, quhilk is not able to receive the congregatioun, and is farther distant from them: Therfor allowis and approvis the judgement of the Provinciaill Assemblie of Fyfe, and ordaines the said new kirk to be the paroch kirk therof in tyme comeing.

Alexander Lord Hoome compeirand in the face of the Assemblie, and inquyrit be the Moderatour, if he confellit in [his] heart befor the Lord, and with his mouth, that he was justlie castin out of the Kirk be a sentence of excommunicatioun pronouncit against him be the Synodall Assemblie of Fyfe, and, as he wald ansuer vpon paine of his salvarioun and damnatioun, simplie to speake the trueth theranent, Protestit and acknowledgit [openlie,] that he was justlie excommunicat, and confest his fault therin: And being inquyrit why he soght not to be relaxit from the said sentence according to the directioun of the Presbitrie of Edenburgh, excusit him be ignorance of that part of the act: As also being acculit, that he detainit the stipend of fundrie of the Ministrie, speciallie of Chirnesyde, ansuerit, That he was ready [to doe] quhat he ought to doe of law: Being farther demandit, why he keipit not conditionns speciallie sett downe in the act of the Presbitrie of Edenburgh, as, namelie, tuiching ane Minister in his awin house, tuiching the removeing of Thomas Tyrie out of his companie, ansuerit, That he remembrit not that he was oblischid be promise to have a Minister in his house, zet, in that point, he is content to have ane, as the Kirk shall appoint him; [and] as to Thomas Tyrie, Grants that he was in his service sen his subferyveing, bot vnderstands not that he was oblischid to remove him quhill the Kirk had proceidit [to] excommunication against him, quhilk he beleives he soght of the Kirk, and beleives that they grantit [it;] alwayes fra he was excommunicat, he removit him out of his companie; and as to Johnne Tyrie and Captane Gray, they were not his ser-

vants : Being inquyrit, if ther was any [perfon] callit Cowie, quhom with he fpak fhortly, or any fett on land with the bark that came laft in [from Flanders,] Denyes the famein : And inquyrit if Macquhirrie was in his houfe fhortlie, Grants, within this few dayes he was in his houfe, and came by his witting, haveing neither letter nor commiffioun to him, and paff away within halfe ane houre : And laft of all, the faid Lord confeffit in prefence of God and his holy angells, quhom he tooke [witneffes,] and the Lord Jefus [Chrift] quhom he tooke Judge, quhen he fall come to judge the quick and the dead, that he profeflit from his heart the religioun prefentlie profeflit be this Kirk here prefent, quherof he had alreadie fubfcriyvit the articles befor the Presbytrie of Edinburgh, and with his folemne oath confeffit befor them, and now confeffes befor the Affembly, to be the only true and infallible religioun quhilk leids to falvatioun, quherin he myndis to live and die, and fall to the vttermoft defend againft all the enemies therof ; and denyes, as he fall anfuer to the dreadful God, the Romane Catholick religioun, as the Antichriftian religioun directlie opponit to the truth of God and his true fervice, quhilk he testifies to the haill Affembly be vphalding of his hand, and be folemne witneffing of God, that he hes no difpenfatioun nor indult to fubfcriyve or fweare to the faids articles.

For farther fatiffactioun of the brethren, the Kirk ordaines my Lord Proveft of Edinburgh, Alexander Hooime, the Laird of Aittoun, Mrs Johne Daudifone, David Black, David Lindfay, to deale farther with my Lord afternoone, to try of his full refolutioun.

Instructiouns to Sir Robert Melvill of Mordocairnie, and Alexander Hooime of Northberwick, Commiffioners for his Majeftie at the prefent Generall Affembly, of Articles proponit in his Majefties name to the faid Generall Affembly at Edinburgh.

1. To proteft that his Majefties royall priviledge, newlie fett foorth be aēt of Parliament, be not prejudgeit in the conveyeing of the nixt Generall Affembly ; and to that effect, that befor thair diffolving at this time, they direct fome of thair number to his Majeftie, to be refolved be him vpon the time and the place of the nixt [meeting of the] Generall Affembly, according to his Majefties propofitioun, and their promife in the laft Generall Affembly haldin at Dundie.

2. That they will ratifie and approve, be act of this present Assemblie, thair promise made to his Majestie in thair foresaid last Assemblie, that in any thing that any of the Ministrie had to crave, or complain to his Majestie, they should doe it be particular conference with himselfe, and not vtter publickly in pulpitt any vnreverent speeches against his Majesties person, Counsell, or Estate, vnder the pain of deprivation ; and that for this cause they will presently try and censure ane of thair number who hes contraveinit the said act : and in speciall, that they will examine so many of thair number as was present at the last Synodall Assemblie haldin at Perth, and charge them vpon thair great aithes and consciences, first, to declare what vnreverent and treasonabill speeches of his Majesty they heard Johne Rolfe vtter publickly from the pulpitt, in all thair audiences ; and nixt, whither they censurit him for the same thereafter or not ; and to desire them in his Majesties name, that according to the Synodall censuring of him, they wald judge him as he demerits on the ane part, and his Majesties modest behaviour, ever since the beginning of that turne, hes deservit.

3. That they will excommunicat Mr Andro Hunter, for bringing in ane scandall vpon thair professioun, as the first opin traitour of their functioun, against ane Christian King of thair [own] religion, and their naturall Sovereigne.

4. That be act of thair Assemblie they will ordaine every particular Minister within thair charge, to dissuade, as weil be publick as privat exhortation, thair flock committit to thair cure, from concurring with the treasonabill attempts of Bothwell, or any vther traitours, that raifes or fall raise themselves vp against the lawfull authoritie placit be God in his Majesties person : and specially, that they fall narrowlie take heid, and not suffer any of thair flock to be seducit vnder colour of religioun, or whatsumevir false pretext, to receave wages and become fouldiours for service of any persons, except they sie his Majesties commillioun and warrand therunto ; and namelie of Bothwell, quho hes presentlie, in diverse parts of this realme, attemptit the same.

5. That in respect the Parliament time is at hand, and the occasioun will suddenie serve for declaring of his Majesties godlie and honest intentioun in persecuting of the Papists [and] excommunicat Lords, both be law and vtherwayes ; that, therefor, they will select ane or two Commissioners of the discreitest and wisest of every principall Presbytrie, and give them commissioun

to attend vpon his Majestie at this time, as weill that his Majestie may have thair good advyce and assistance in his good turne, no lesse concerning the estate of the religioun then the estate of his Majesties crown and country ; and likewise that his Majestie may, be their moyen, direct and inform quhat he wald wisch to be done be the hail rest of the Ministrie, as occasioun fall from time to time be present. Sic subscribitur

JAMES R.

Sessio 13^a. 14 Maij.

Anent the offence conceivit be his Majestie agains a brother callit Johne Rofs : The Affembly of the Kirk thocht it expedient that certaine of the godly, discreitest and best learnit men of the Kirk, sould be chosin out, befor quhom that matter sould be first brockin vp and preceisslie handlit, and therafter brocht in publick befor the hail number ; and to that effect were chosin Mrs Andro Melvill, James Nicollone, Robert Bruce, Robert Rollock, Johne Davidfone, Johne Craig, David Lindsay, Patrick Galloway, James Melvill, Walter Balcanquell, Alexander Forbes, James Robertfone, David Fergufone : Quhilk number were ordainit to conveyne immediatly after thair ryseing in this house, and so many of the brethren of the Synodall of Striveling as are present, warnit to be ready as they salbe callit for.

Sessio 14^a. 15 Maij.

The quhilk day compeirit Alexander Lord Hooime in Affembly, and with all humilitie craveit that he might be absolvit from the sentence of excommunication led against him, protesting befor God he wald in tyme comeing give prooffe of obedience and service to God, and mantaine the trueth of his religioun professit be the Kirk heir present to his lyves end ; and although he was sometyme in ane different religioun from them, now avowis, he being bettir instrucit in the heid quherin he sometyme differit from them, the present Confessioun of Faith and religion professit presentlie be the Affembly ; and if he fall heirafter declyne therfra, submitts him in that cace to the Affembly of the Kirk, hoping be Gods grace, nevir to make defectioun therfra.

The Assemblie, in respect this matter hes bein past be word, hes thought meitt that certaine conditionis salbe sett downe in wryte, to be subscryvit be his Lordship ; therafter his fute of absolutioun to be confiderit.

Sellio 15^a Eodem die.

The Assemblie ordanes ane fast to be keipit within the Presbitrie of Edenburgh, and sick vther parts quher the samein may be conveniently had, vpon Sunday the 26 of this instant, immediatlie preceeding the Parliament ; and his Majestie to be remembrit that ane exhortatioun may be had, according to the custome quhilk was keipit of befor, the first day of the Parliament, and a thanksgiving at the conclusion therof be ane of the Ministrie ; and also that his Majestie be put in mynd of the said fast appointit the foir-said day, to the effect his Majestie and his house may keip the samein.

In lyke maner it is ordanit, that a generall fast be oblervit [vniversallie] through the haill realme, the twa last Sundayis of Junij nixt to come, with exhortatiouns and prayers to be keipit betuixt the twa Sundayis on the week dayes : The causes of the quhilk fast saibe intimat and presentit the morne in wryte be Mrs James Melvill, Patrick Galloway, and James Nicolfone.

The samein day, the conditionis vnderwrytin being proponit to Alexander Lord Hooke be the Generall Assemblie, to testifie his vnfeined repentance, after reiding of the saids articles severallie : First, he ratified and approvit the subscription and aith givin be him to the Confessioun of Faith, at Edenburgh the 22 day of December last, and that with ane solemne aith, balding vp his hand, and aggrieing to the said articles, and every ane of them ; [and] in token of acceptatioun therof, [protesting] he dois the samein sincerelie, subscryvit the samein with his hand, humblie requyring, in respect of his obedience and repentance, that the Kirk wald relaxe him from the sentence of excommunicatioun pronouncit against him.

The Assemblie, in respect of his repentance shawin, his aith and declaratioun givin yesterday, and obedience in subscryveing the saids conditionis, being satisfieid therwith, and hoping that he sall fullie keip promise in tyme comeing, ordaines him to be absolvit from the said excommunicatioun, and the sentence of absolutioun to be pronouncit be the Moderatour the morne at meiting.

Followis the Conditious.

1. The Affemblie craves that the said Alexander Lord Hoome ratifie and approve the fubfcription and aith givin be him to the Confessioun of Faith, at Edenburgh the 22 day of December laft, [or fubfcribe] and fweare againe de novo in face of the haill Affemblie, as falbe thocht expedient.

2. That he remove and hald furth of his companie, all Papifts and traffiquers aganis the true religioun, and quhatfoevir [perfoun] falbe dilaitit to his Lordship to be fufpect and corrupt in religioun; that he receive and intertaine in his houfe Mr Archibald Ofwell as his ordinarie Pafteur; and failzeing of him, fome vther difcreit and godlie Minifter, be advyce of the Presbitrie of Dunbar; and that he make his familie fubiect to the Word and difcipline.

3. That he refort to the publick heiring of the word, in all places quher it fall happin him to repaire and have his refidence, and that he communicat.

4. That he make his haill tennents and fervants fubject to the difcipline of the Kirk quher they remaine.

5. That he repaire all the ruinous kirks within the Pryorie of Coldinghame, and provyde fufficient livings for Pafteurs plantit and to be plantit therat [according to the act of Parliament;] and fuchlyke of all kirks within his bounds, fo farre as law and reafon may bind therto.

6. That he make thankfull payment to the Minifters of Chirnfyde, Swintoun, and Fifchak, of thair ftipends, conforme to thair affignations and decreits paff thervpon, in cace he be oblifchit therto be law.

7. That he concurre, be his counfell, crydet, and affiftance, for mantein-
ance of the true religioun publicklye profest and taught within this realme,
with the mantainers therof, aganis all and quhatfumevir wald come in the
contrair, within the countrey or without.

8. That he neither receipt, affift, intertaine, intercomoun, or have [any] intelligence with, the excommunicat Papift Lords, Jefuits, Seminarie Preifts, nor traffiqueing Papifts; nor folift [for] thame, or fhew them favour, directlie or indirectlie, in judgement or out of judgement.

9. That he neither reafon nor suffer any reafoning to be againft the true religioun, or any point therof, in the places quher he may inhibite the fame.

10. That he imploy himfelfe carefullie to apprehend and prefent to juſtice Mr Alexander M'Quhirrie, and all and quhatſumevir Jeſuites, [Seminarie Priests, and traffiqueing Papills, that fall reſort] within his bounds; and that he doe nothing that may be found be the miniſter appointit for the tryall of his behaviour, to be prejudiciall to the true religioun preſentlie profeſſit be the Generall Aſſembly heir preſentlie conveyit; and in cace he ſalbe found to contraveine any one of the forſaids points, that, in that cace, he conſent to be ſummarlie excommunicat vpon the notoriety of the fact. And in teſtimonie of his acceptatioun of the ſaid conditiones, that he ſubſcryve thir preſents with his hand. Sic ſubſcribitur,

ALEXANDER LORD HOOME.

Forſameikle as Alexander Lord Hoome, be his ſubſcriptioun, is bound to obſerve and keip the conditiones proponit to him be the Generall Aſſembly, and acceptit be him; and in cace he be found to contravein the ſamein, or any of thame, to be ſummarlie excommunicat vpon the notoritie of the fact: The Generall Kirk gives libertie to quhatſumevir Preſbitrie that ſhall vnderſtand of his contraventioun of the ſaids conditiones, to call him, and try him of the ſaid contraventioun, and convict him therof if he be found guiltie; and the convictioun to be direct and ſent to the Preſbitrie of Edinburgh, to quhom the Kirk gives commiſſioun ſummarlie to pronounce the ſentence of excommunicatioun againſt him.

Sefſio 16^a 16 Maij.

According to the ordinance of the Aſſembly, the actioun of abſolutioun of Alexander Lord Hoome being committit to Mr David Lindſay, exhortatioun being firſt made, the ſaid Lord was inquiryt, If he was ſorie in his heart for the fault and offence he had committit, and that he had incurrit the ſaid ſentence, and ſand ane earneſt dolour in his heart for that he was ſeparate from the Kirk heir preſent ſo long, thriſling moſt earneſtly to be joynit thereto as ane member of Chryſts bodie, and promiſeing, as he ſhall anſuer to God, in tyme comeing to continue ane conſtant profeſſour in the trueth of his religioun, preſentlie and publickly allowit be the Kirk of Scotland heir conveyit, to his lyves end, and to ſhew the fruites of a true Chriſtian in his lyfe, removeing all ſlanderous perſons out of his companie:

Quho anfuerit, in Gods prefence, It was his true meaning, and intendit to fhew the fame in evident effects in tyme comeing: Quherfor, thanks being givin to God, and prayer made, he was folemnlie abfolvit from the faid fentence be the faid Mr David, and receivit be him in name of the faid brether, and embraced as ane member reconcileit to the Kirk.

Seflio 17^a. 17 Maij.

Forfameikle as Mr Andro Hunter, [Minifter,] hes defertit his flock, and is fugitive from the lawis, being bruitit and fufpectit to have joynit himfelfe with the Kings rebells: The Affembly prefent depofes him fra the functioun of the Miniftrie, ay and quhill he have fatisfied for his offence, his Majeftie and the Kirk.

Anent the Kings Majefties Articles: In refpect the firft article tuitches the tyme and place of thair nixt Affembly, the haill Affembly, with advyce of his Hienes Commiffioners, hes appointit thair nixt General Affembly to be at Montrois, the laft Tuefday of Junij come ane geir; provyding alwayes, in cace it be found expedient pro re nata be the Prefbitrie of Edinburgh to be fooner, vpon thair advertifement, the famein to be preveinit.

And as concerning his Majefties firft article, anfuer is givin, That the tyme and place is appointit in prefence of the Commiffioners, according to the act of Parliament.

As to the fecond, The act made at Dundie, de novo is ratified.

The anfuer concerning Johne Ros particular continued quhill afternoone.

Concerning Mr Andro Hunter, The Kirk hes depofed him.

The 5 and 6 articles aggried vnto.

Ordaines every particular Pafour, at his awin Kirk, to intimat the fentence of abfolution pronuncit in favours of my Lord Hoome, from the proces of excommunication led againft him.

Seflio 18^a. Eodem die.

Anent the matter of offence conceivit be his Hienes againft Johne Ros, Minifter, be occafion of ane fermoun made be him in prefence of the Pro-

vinciall Assemblie at Perth: The said matter being first ordainit to be treattit and weyit in privie conference, and ane certaine of the grave, learnit and godly brethren beand appointit therto, and to give thair judgements to the whole Assemblie, the said brether reportit thair advyce and proceeding in wryte as followes:

First, They have found that the peiple departit not out of the kirk befor the end of the doctrine, as it hes bein reportit to his Majestie, quherthrow he might have vttered any kynd of offence; and that the said Assemblie had pronuncit no damnatour sentence against him, bot that they onlie admonisheit him vpon such causes and consideratiouns as efter followes:

1. In respect that he delyverit that doctrine at that tyme quhen his Majesties rebells and enemies were assemblit on the felds, quherthrow it might appeare to the peiple, the Kirk allowit Bothwells treasonable attempts, and that the Assemblie of purpose had placit him in that rowme, to alienat the hearts of his peiple from his Majesties obedience.

2. In respect of certaine speiches delyverit be him without any sufficient warrand, so farre as they could sic and vnderstand, and namelie that sentence pronuncit against the house of Guise de futuro.

3. In respect of the hard delyverie of speiches spokin of his Majestie, quhillk might have bein thoct to have cravelt greater zeirs and farther experience: Farther the haill brether, both of the Conference and of the Provinciall of Perth, all in ane voyce acknowledgis that ther is just cause of ane sharper rebuike and threatning of heavier judgements foorth of the ground, of that text, then hes bein or might have bein vtterit be him; and quhatsoever he vtterit, as he deponit before God and [vpon] his conscience, he vttered it out of love, seiking alwayes his Majesties standing, on na pre-occupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane faul alwayes seiking and thrifling his Majesties honour and weill in God; and therfor approves his whole doctrine in that point, as it hes bein red and clarit be himselfe, in such heids as hes seimit to have bein most offensive.

And as concerning the admonitioun of the Provinciall of Perth, and the causes moveing them thervnto, the brethren reverences and allowes thair judgement in all things, vpon consideratioun as is befor exprest; onlie anent the sentence touching the House of Guise de futuro, because the haill brethren hard it not, [and] he himselfe professes he remembers not he spake swa, neither had he such meaning [at any time,] and confesses his fault if such ane word hes fallin out; the brethren thinks meitt with himselfe in that point, that if he hes spokin so, he hes failit, having no just warrand: And being myndit

to satisfie his Majestie alwayes so farre as [possiblie] may be done with ane good conscience, after earnest incalling of the name of God for assistance of his Spirit, and long advysement, hes found it good that the admonitioun of the Provinciaill of Perth, as said is, be reverencit of the said hail Generall Assemblie, and that the Assemblie at this tyme give farther to the said Johne Ros ane grave and earnest admonitioun, to speake at all tymes reverentlie and with such wisdom of his Majestie, as he alwayes may have so cleir ane warrand of his speiches as may fullie satisfie his awin conscience befor God, and may have the approbatioun and allowance of all his godly brethren : and that this admonitioun be extendit to all vther young men of the Ministrie, and to the hail Assemblie. Quhilk judgement of the hail brethren being well considderit be the hail Assemblie, after good deliberation, vottit to the approbatioun of thair said judgement, and allowit the samein in all points.

And therafter the said Johne Ros beand callit in, he, in presence of the said Assemblie, protestit befor God, and [in] his conscience, that quhatsoever he vtterit in the doctrine delyverit be him, he vtterit the samein for love to his Majesties weill and standing, of no preoccupied mynd, prejudgeit opinioun, or troublit affectioun, bot of ane faul seikand his Majesties honour and weill in the Lord, haveand neither eye nor respect to his Majesties traitours beand then in armes vpon the fields ; get granting some words to be hardlie delyverit (thocht truewlie :) And as concerning the words spokin of the House of Guise de futuro, [as is alledgit,] befor the Lord, he remembers not he spake such wordes, neither had intentioun nor meaning to speake the samein, and if he spake the samein, it was ane fault et lapsus linguæ.

The Moderatour, at command of the said Assemblie, in the name and feare of God, admonischit the said brother, and all vthers young men of the Ministrie, and hail Assemblie, in all tyme comeing, to speake so reverentlie and discretly of his Majestie, that they may have so cleir warrand of thair speiches as may fullie satisfie thair awin conscience befor God, and have approbatioun and allowance of all the godlie, and his Majestie have no just cause of complaint and mislyking in tyme comeing : Quhilk admonitioun the said Johne with all humilitie revered.

Humble Anfuers of the Generall Assemblie of the Kirk [conveinit]
at Edenburgh, the 27 day of May 1594, to his Majesties Articles,
presentit be his Commillioners.

First, Anent the tyme and place of the Generall [Assemblie :] The
samen is appointit be adyce of his Hienes Commillioners present, accord-
ing to the act of Parliament.

2. The act made be the Generall Assemblie at Dundie, is de novo rati-
fied and approvin. And the particular of Johne Ros resolvit, as his Ma-
jestic salbe informit more particularlie be the Commillioners of the Kirk to
be direct to his Grace.

3. Twitching Mr Andro Hunter: The Assemblie hes proceidit and
givin ane sentence of depositions for his offence aganis him, quhill he satisfie
his Majestic and the Kirk.

4. Every particular Minister within his charge is straitlie commandit to
disswade their flocks, as weill be publick as privat exhortatiouns, fra con-
curring with the treasonable attempts of Bothwell, or any [ytlier] traitour
to his Majestic, that raises or sall raise themselves vp against his autoritie;
and sicklyke to take heid and suffer not their flocks, vnder cullour of reli-
gioun, or quhatsoever false pretext, to receive wages of any persons with-
out his Majesties warrand, and namelie of the said Bothwell.

5. They have appointit a reasonable number of brethren to awaite on
his Majestic, for satisfieing of the last article.

With thanksgiving to God for his mercies, the Assemblie dissolvit.

A. D. M.D.XCV.

THE Generall Affemblie of the Kirk of Scotland conveinit at Montrois, the 24 day of Junij 1595 zeirs.

Exhortatioun was made be Mr Andro Melvill, Proveft of the New Colledge of Sanct Androes, and Moderatour of the laft Affemblie. Mrs Robert Pont, Peter Blackburne, James Nicolfone, were on the leits, and the faid Mr James, be pluralitie of vottis, was chofin Moderatour hac vice.

Seffio 2^a. 24 Junij.

Anent the queftioun movit in the Affemblie, If it be proper to them to declare be the Word of God, quhat mariages are lafull, and quhat are vnlawfull, fo farre as concernes the spirituall part therof: It was anfuerit affirmativé, that it was proper.

Seffio 3^a. 25 Junij.

Ordaines the Prefbitries in all parts within this countrey to proceid againft the Papifts within thair bounds, with the fentence of excommuni-

cation : And because of the weaknes of the Presbitrie of Inuerness, ordaines them to proceed therein with the advyce of Mrs George Monro, Johne Monro, Johne M'kenzie, and Andro Crombie.

Forſameikle as diuerſe Papists and ſuſpect of Papiſtrie, after thair ſubſcription and aithes, pretending deadly feids, abſtaining from the table of the Lord, quherby they vtter themſelves in effect and in heart to continue Papists : Therfor the Aſſembly ordaines the Presbitries quher ſick perſons are, to proceed againſt them with the ſentence of excommunication ſo long as they reſuſe to communicat, in the ſamein manner as if they had not ſubſcryvit nor givin aith.

Forſameikle as diuerſe perſons cutt of from the ſocietie of the Kirk be ſentence of excommunication pronouncit againſt them, nottheles they are receivit and intertainit as if they were the true members of Chryſts Kirk, to the great contempt of God, and the evill example of vthers : The Aſſembly therfor ordaines the Presbitries quher ſuch perſons are, to proceed againſt them according to the acts of the Kirk, vnder the paine of publick rebuik in face of the whole Aſſembly of the brethren of the Presbitrie, if fault be found in them, and making humble confeſſioun vpon thair knees of thair offence, in cace the ſamein be found in them as ſaid is, and vnder the paine of the depolitioun of the Miniſter in whoſe default the ſaid ordinance of the Kirk is not execute ; and that the ſamein penaltie and execution be viſit and ſtrike vpon them that hes intercommuning, intelligence, or familiaritie with the ſaids excommunicats, quhilk is vſed aganis the precepters forſaid, vnder the ſamein paine.

Sessio 4^a Eodem die.

Forſameikle as ther is diuers perſons profeſſing with vs the veritie of the Goſpell, quhilkis nevertheles the ſpace of diuerſe zeiris, vnder pretence of deadlie feids, hes withdrawin and daylie withdrawes them from participation of the holy table, declareing therby how little they eſteime that great benefite, and in effect, as it were, cutting off themſelves from the communion [of the faithfull:] Heirſoir ordinance is givin to all Presbitries within thair bounds, to charge all perſons abſtaining from the communion be reaſon of deadlie feids, notwithstanding therof, as it becomes chriſtian members, to participat the ſaid holy table ; and in cace they be obſtinat

and refuse, to proceed with the censures of the Kirk against them ; it being alwayes considered be the Presbitrie, that if ther be any of infirmitie or tendernes of conscience that refuses, in that case the said Presbitrie fall travell with the said persons to bring them to thair duetie and participatioun of the said table, granting, with good advyce and discretioun, some reasonable [tyme] as to resolve themselves, within the quhilk if they give not obedience, and refuse to participate as said is, that the said Presbitrie proceed against them with the sentence of excommunicatioun.

Sessio 5^a. 26 Junij.

The Kings Majesties Commissioners desyrit of the Assemblie, that he might have ane choise of such two of the Ministrie his Majestie wald nominat, in place of Mr Johne Craig and Johne Duncansone. The Assemblie hes found meitt [and votit] that a certaine of the most grave, learned, and best disposed brethren of the haill Ministrie be chosin and nominat be them, out of the quhilk it may please his Majestie to nominat two : Vnto that effect Commissioners to be appointit before the end of this Assemblie to advyse his Majestie of the choise to be made of these whose names shalbe sett downe befor the Assemblie dissolve ; craveing his Hienes Commissioners to make his Majestie foirfein, that they may know on quhom his eyes are sett, and be resolvit befor thair lousing.

Anent the planting of Kirks : Because ane speciall impediment hes bein therof, the dilapidatioun of the benefices possesit be the brethren of the Ministrie, quho [hes] sett thair benefices with the diminutioun of the rentalls, or be conversioun of victuall in silver, not regarding the acts and ordinances of the Assemblie : Heirfor for remeid, the Generall Assemblie hes givin power and commissioun to the brether vnderwrytin within the bounds particularlie vnder devydit, to call befor them sick persons within the Ministrie, that sen the act of the Assemblie, made in the geir of God 1578, hes sett thair benefices with diminutioun of the rentall therof, or conversioun of the victuall in silver, [and] to proceed against them with the sentence of depositioun, quhilk shal stand in force ay and quhill they restore thair benefice to the awin integritie, quherin the samein was at thair entrie ; that is to say, To Mrs Andro Melvill, James Melvill, Robert Wilkie, Thomas Buchannan, Andro Moncreif, to call befor them the said persons within

the bounds following, viz. from Spay to Tay, and all Louthiane, Mers and Teviotdaill, to compeir befor them in Sanct Androes: Nixt Mrs David Lindlay, Robert Bruce, David Fergusone, Robert Pont, James Balfour, or any thrie of them, to sitt in Edenburgh, and call the saids dilapidatours befor them, within the bounds of the haill [north] to Spay and Fyfe, as als beneficit persons that hes made dilapidatioun within the Dyocie of Ros: Thirlie, Mrs Patrick Simfone, Andro Young, Harie Levingstoun, James Pont, Johne Davidfone, to sitt in Striveling, and call befor them the saids brethren that hes dilapidat thair benefices within the bounds of Strivelinghyre, Stratherne, Cliddifdaill, Dumbartane, Ranfrew, Lennox, Kyle, Carrick, Cunighame, Galloway, Nithefdaill: And for the better executioun to be had of this commillioun, ordaines everie Presbitrie within the bounds forsaids, to send to the judges every ane of them within thair awin bounds, particular informatioun and ansuer to the heids quhilk salbe pennit be thair brother, Mr Robert Pont, betuixt and the 15 of August nixt: And to the effect that the Presbitries be not ignorant heirof, the Assemblie presentlie has nominat the brether after specifiet to give warning to the Presbitries within the bounds respectivé following, according to the divisioun astir specifiet: That is to say, Mr Andro Crombie for Ros; Mr Alexander Rawfone, Mr Alexander Dowglas, for Murray; Mr Peter Blackburne, Mr Duncane Davidfone, James Reid, for Aberdeine; Mr Andro Mill, Mr Alexander Forbes, for Mernes; John Durie, Mr James Melvill, for Angus; Mr Alexander Lindlay, and William Glasse, for Stratherne; Mrs James Melvill, David Fergusone, for Fyfe; Mrs Walter Hay, Andro Blackhall, for Louthiane; James Deis for Mers and Teviotdaill; for Tweddall, Mrs Andro Blackhall and Walter Hay; for Strivelinghyre, Mr Adame Ballantyne; for Cliddefdaill, Ranfrow, Lennox, and Dumbartane, Mr Walter Stewart and Mr Gawin Hamiltoun; for Nithefdaill, Mr James Bryffecoun, Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr David Barklay: Quhilks informatiouns being receivit be the saids judges, ordaines them, with all diligence, to proceed against the saids persons. And for the faithfull executioun of the said commillioun, the said judges was sworne, except Mrs Thomas Buchannan, Robert Bruce, Patrick Simfone, Harie Levingstoun, James Pont, quho were not present.

Forfameikle as a great occasioun of the none planting of the kirks stands in laike of provisioun of the Ministrie, and that thair stipends from zeir to

geir, being changeable, they are drawin from thair kirks, to the neglecting of thair flockis, and to the disgraceing of thair callings: With commoun advyce it is heirfor concludit and resolvit, that ane constant platt salbe fett downe be the brethren following, appointit out of everie province, quho fall fitt and conveyne the first day of September nixt in Edinburgh; and befor their conventioun and fitting, every Presbitrie fall, betuixt and the 15 day of August nixt to come, delyver to thair saids brethren appointit of their provinces, ane resolvit informatioun, wrytin in forme of a booke in mundo, of the estate of thair kirks, in the heids following; viz. of the names of the benefices within thair bounds, whither the samein be severall benefices, or annexit; quho is patrone therof, quho is possessor; be quhat rycht the samein is bruikit; the auld rent, the present rent, and the just availe therof; and quhat kirks may be unite or divydit: quhilks informatiouns being receivit and collectit together, the saids Commissioners conveying together as said is, fall appoint every Presbitrie severall dayes, to direct a speciall brother fullie instructit be them with a constant platt of the kirks within thair Presbitries; and the said brether swa directed, with the Commissioners forsaids, to conclude and put in forme a constant platt of thair Presbitrie, and so furth to proceed, quhill the worke be wholie made vp and compleit: and after compleiting therof, the saids Commissioners fall make warning to every Presbitrie to direct a brother from them to consider the haill wark; and the samein being allowit be the saids Commissioners and brethren from every Presbitrie, quhilks are considerit to be fiftie in number, the ratificatioun therof to be socht of his Majestie and Counsell: Of the quhilks Commissioners, chosin out be this Assamblee from the provinces, the names followes, viz. from Zetland, Orknay, Cathnes, and Sutherland, Mr Robert Pont; for Ros, Mr Andro Crombie; for Murray, Mr Alexander Dowglas; for Aberdeine, Mr Alexander Cunighame, Mr Peter Blackburne; for Mernes and Angus, Mr James Nicolfone, Mr Andro Milne; for Stratherne, Dunkeld, Dumblane, and Striveling shyre, Mr Patrick Galloway, Mr Alexander Lindfay; for Fyfe, Mr Thomas Buchannan; for Louthiane and Tweddall, Mr David Lindfy; for the Merse, Johne Clappertoun; for Teviotdaill, Mr Johne Knox; for Clidfaill, Ranfrow, Lennox, and Dumbartane, Mr Gawin Hamiltoun, Mr Johne Hewisone; for Nithefdaill, Mr James Bryson, and, in cace of his feiknes, Mr Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr Johne M^cquherne: Quhilks brethren

and Commillioners in number 18, fall alfo have power to make ane platt for ane interim, quhilk being concludit be the faids Commillioners and a brother direct from every Presbitrie, quhilk will make fiftie mair, no reclamatioun falbe therfra, but [quhat] falbe concludit concerning the constant platt or interim, fall stand in constant force and full effect, as if the famein had bein concludit be the Generall Affemblic, without any reclamatioun therfra, as faid is ; and becaufe the worke will requyre waiting on, and the faids aughtein Commillioners wilbe put to charges and expences, it is ordainit that thair expenslis falbe borne be thair provinces : And for the faithfull executioun [heirof,] they are all fworne, except Mrs Alexander Dowglas, Johne Knox, Patrick Galloway, Johne Clappertoun, and Johne Hewifone, quho were not present.

Sessio 8^a. 27 Julij.

Compeirit Sir James Chisholme in prefence of the hail brethren, and confellit with humilitie his offencis, namelie his apostasie from the religioun, for the quhilk he craveit Gods mercie ; and farther he declairit that he professes with vs the [hail] true religioun, renunceand the Antichryft and all his errours, craveing from his heart to be receivit in the bosome of the Kirk ; with the quhilk the brethren being movit, concludit he fould be relaxit be the Generall Affemblic, at thair first meiting the morne, from the sentence of excommunicatioun led against him ; and therafter the forme of his satisfactioun to be appointit and sett downe be the Affemblic.

The heids of Inquifitioun to be made in everie Presbitrie anent Dilapidatioun.

Imprimis, To take [up] from every beneficit Minister the present rentall of his benefice, and quhat geirlic dуетie, be his awin confellioun, he getts presentlie of the famein.

2. If he hes sett taks therof, [and] to quhom, privatlie or publicklic, and, if neid beis, to take his aith theron.

3. To inquire quhat was the estate of his benefice quhen he entred with it, and whither he was hurt [or vitiated] be his predeceffour.

4. To take diligent inquifitioun not only be report of the beneficit perfon himfelfe, but be vthers that knowes quhat the juft valour of the benefice was worth, or payit of old in the beft eftate.

5. What the famein wald extend to in geirlie rent of teyndis, or vtherwayes, if it were frie of tackis, and in a Minifters awin hand ; and, if neid beis, that the Prefbitrie or Commiffioner call ane inqueift of men of beft knowledge in the countrey about, to declare the veritie heirin, and fend the famein to the judges appointit in due tyme, with the haill circumftances befor rehearfit.

His Hienes Commiffioners prefentit Articles from his Majeftie, craveing the fame to be red and anfuerit. [The tenor whereof and answers made thereto follow :

The tenor of the Kings Articles. C.]

His Majeftie craves that ther be ane aët made, ordaining that quhofoevir fall at any tyme practife any trefonabill interpryfe or confpiracie againft his Majefties perfon or eftate, beand found and declairit culpable [therof] be law, fall lykewayes incurre the fentence of excommunication therfor, that therby ane infeparable vnioun may be betuixt the two fwords.

2. That ane ordour be takin concerning excommunication in thrie points, efpeciallie, firft, That it be not at the appetite of two or thrie particulars, and that it be not proceidit in quhill firft ane convenient number of the Kirk be gravelie conveyit. 2. That it be not for civill caufes, or fmall crymes, and fpecially any Minifters particular, leift it be thocht that they imitate the Popes curfing, and fo incurre the lyke contempt. 3. The forme of fummar excommunicatioun, without any citatioun, be alluterlie abolifchit in tyme comeing.

Item, In refpect Mr Johne Craig is awaiting on quhat houre it fall please God to call him, and is altogether vnable to ferve any longer, and his Majeftie myndis to place John Duncanfone with the Prince, and therfor hes no Minifters bot Mr Patrick Galloway : Therfor his Hienes defyres ane ordinance to be made, granting him any two Minifters that he fall choofe.

[Humble Anfuers of the Generall Affembly, conveened at Montrose, to the Articles presented be his Hienes Commillioners. C. & B.]

First, Quher ane ordinance is craveit to be made against practisers of any treasonabill interpryses or conspiracie against his Hienes person and estate, beand found and declairit culpable therof be law, that they therfor fall incurre the sentence of excommunicatioun, The Generall Affemblic aggrieth therto, legitima cognitione [ecclesiastica] precunte.

As to the ordour craveit to be tane concerning excommunicatioun, especially in 3 points containit in the second article, The first part is condiscendit to: And as to the second, That no excommunicatioun falbe vsed in causes meere civill, or in small matters, and the abolishing, in tyme comeing, of the former summar excommunicatioun without citatioun: These points importing great weght, and craveing mature deliberatioun, the Affemblic hes thought meit to superceid all concluding therein quhill the nixt Conventioun, quher, by Gods grace, they mynd to resolve thervpon; and that, in the meanetyme, none of the Ministrie proceed to excommunicatioun without citatioun preceeding, nisi periclitetur ecclesia et respublica.

Anent his Majesties [fute] concerning his Ministers: It is aggreit that his Majestie fall have choise of the most grave, learned and godlie brether of the Ministrie, with advyce of the Commillioners following, to be direct to his Majestie, viz. Mrs Robert Bruce, Andro Melvill, James Melvill, David Lindsay, David Fergusone, James Balfour, Thomas Buchannan, James Nicollfone, Andro Lamb, George Glaidstanes, or any fixe of the said brethren, quho are appointit to meit the 22 Julij nixt.

Sessio 9^a 28 Junij.

After humiliatioun of Sir James Chitholme on his knies, and acknowledging of his offence to the satisfactioun of the brethren, be the voyce of the Moderatour, the sentence of absolutioun was pronouncit in his favours, and he relaxit from the proces of excommunicatioun led against him.

Anent the act made in favours of the executours of Ministers: The Affemblic and brethren present, for cleiring therof, declares, If the Minister die after Michaelmes, quia fruges separatae sunt a solo, that his executours

fall fall that geirs rent, and the half of the nixt; and that the provisioun of this act be extendit to the reliëts of vniquhile Mr James Hamilton, and the Lords requeistit to that effect.

Forfameikle as ther is great cause of humiliatioun of vs befor God, whose visiblie anger appears on the heids of this land, get be the most pairt litle regairdit: The Kirk hes ordainit a generall fast and humiliatioun to be vniuersallie observit in all the kirks within this realme, vpon the twa first Sondagis of August nixt to come: The causes therof to be led out gravelie be the Pastours, according to the grounds they fie and perceive.

[1. The great aboundance and increase of sin, and transgression of all the commandements of God, be all the Estates, fostered be impunity, and laike of justice, produceing in speciall all kind of murder and oppression.

2. The great apostacy, defection, and decay of zeal and godliness of every Estate.

3. The great and present danger, that the Church, Common well, and King standeth in, through the wrath of God, not only kindled against us, but also justlie burning and devouring us up already by fundrie fearfull plagues and punishments, as by unseasonable weather, dearth and famine, and the appearance of greater; the deep conspiracys and daily confederacys of the faction of the known adversarys to religion, King, and countrie, threatning to root us out from being any more a nation, and the breaking and removeing of our two states of Church and Common Wealth.

4. The compassion it becometh us to have of our brethren of other Churches, under no less danger than we, through all Europe, not only be the Confederats of the Counsell of Trent, but also be the barbarous crueltie and great bondage exercisid and brought upon our dear and worthie brethren by such as it becometh not, specially in Poland, England, Saxonie, and diverse parts of Germanie. C.]

Forfameikle as ther is ane abuse necessar to be remeidit, especially in Cathnes and some vther parts, quher they that posselles the benefices, dilapidat the haill rents therof, as the late Bischop of Cathnes did in speciall, except a very small quantitie, in pensious most prodigallie to all that focht the same, quherby he hes dilapidat the haill patrimonie of the said Bischoprick: For remeid quherof, the Assemblic ordaines Mr David Lindfay and Mr James Balfour to admonisch Mr Thomas Craig and the Solistiar of the Kirk, to persew the saids pensioners for reductioun of thair pensious,

quhilk cannot stand be the law, of the haille, or of the most part of the fruites of any benefice, and to insist diligentlie therin.

Anent mariages : The Assemblie declarit thir two sorts to be vnlawfull ; first, when ane person marieth another quhom they have pollutit by adulterie ; nixt, quhen the innocent person is content to remaine with the [nocent and] guiltie, and the guiltie will have another, or takis another.

As concerning mariages made be excommunicat Preists, or vthers that hes served in the Kirk, and [are] deposit from thair office, or be privat persons : The Assemblie declares such mariages to be null ; ordaining the brethren of Edinburgh to travell with the Commissars of Edinburgh, that they decyd according to the saids conclusions.

Anent the contraverſie betuixt the Ministrie of Sanct Androes and William Balfour : The brethren appointit to conferre theranent reportit thair judgement following, That the said William sall declare that he knew no vther but that Mr David Black, Minister of the towne forſaid, had lest the proceſs of the mans contravertit, and that he hes no wayes proceidit therin, in contempt of the Kirk, or any particular person within the same ; and thir things he does protest in conscience, and confesses that he hes done vnduetifullie ; that is to say, that he hes ovirſein himſelfe in his duetie towards the Kirk, in midling, not forwarning them with the title of the house quherin he dwells, in respect of the Kirks designation therof past of befor, for the quhilk he is penitent befor God and his Kirk : provyding alwayes, that the said confessioun be no wayes prejudiciall to the said William in the right and title of the said house, and that the samein be no wayes objected against him, in judgement or out of judgement ; and that the said William sall make the said confessioun befor the brethren of the Conference of this Assemblie, the brethren of the Presbitrie that are heir being present : The quhilk being done, that this present Generall Assemblie sall discharge the said Presbitrie of Sanct Androes from all proceidings be censures aganis the said William for that matter, and in lyke maner, the said Mr David from all publict invectiouns aganis the said William in his sermons for that cause ; and the said Mr David and William, in token of forgivenes of all mutuall offences bygane, and professioun of christian amitie in tyme to come, sall joyne hands together before the said brether of the conference, and keip the samein amitie in tyme comeing ; remittand the contraverſie of thair titles to the discretioun of the Judges ordinar : and this to be ordainit be the General Assemblie, to be declarit in the paroch kirk of Sanct An-

droes, be Mr William Scott, Minister at Kennoquhy. The brethren appointit to conferre be the Generall Affemblie were thir, Mrs Robert Bruce, Peter Blackburne, William Scot, Thomas Buchannan, Andro Lamb, Johne Caldcleugh : Quhilk judgement of the said brethren the Generall Affemblie approvit in all points.

Anent Gramer Schooles in Townes : Every Presbitrie, within thair awin bounds, is ordainit to take ordour for visitatioun and reformatioun therof, and to deale with the Magistrats for augmentatioun of thair stipends and provisioun of Maisters ; as also appointing of some persons most meitt of thair Counsell, to attend carefullie on the Schooles, and to assist the Maisters in discipline.

Anent the actis of the Affemblie : The brether hes ordainit that the samein be sichtit, and speciall acts for practife of the Kirk be extractit and joynt with the Booke of Discipline, to be publishit either in wryte or print, that none pretend ignorance therof ; and to this effect to concurre with the Clerk, Mrs Robert Pont, Thomas Buchannan, James Melvill, Johne Johnstoun, and James Carmichael.

Anent Colledges : In respect that it is thocht necessar that ane visitatioun be had of the samein, the present Affemblie hes givin commissioun to thair brether, Mrs James Melvill, Thomas Buchannan, James Balfour, Robert Rollock, Walter Balcanquell, Nicoll Dalgleish, James Nicolfone, and Alexander Forbes, to conveine together the first day of January nixt to come, to the visitatioun of the saids colledgis, to try, examine, and consider the doctrine, lyfe, and diligence of the Maisters ; the discipline and ordour vfit be them ; the estate of thair rents and livings ; and quher they find abuse, to reforme so farre as they [may :] remittand to the Affemblie such things as they cannot take ordour with ; and quhat they effectuallie heirin, to report to the nixt Affemblie.

A. D. M.D.XCV.

THE Generall Assemblie of the Kirk of Scotland, haldin at Edenburgh, in the New Kirk thereof, the 24 [22. P.] day of Marche 1595.

Exhortatioun beand made be Mr James Nicollone, last Moderatour, the Assemblie proceedit to the electioun of a new Moderatour, and appointing on the leits Mrs David Fergusone, David Lindsay, James Balfour, Robert Pont, the said Mr Robert, be pluralitie of votis, was chosin Moderatour hac vice.

[Mr Davidson, Minister at Saltprestoun, and a member of the Presbytrie of Hadintoun, produced the advice of that Presbytrie, touching the heads of the letter sent from the Commissioners of the Generall Assembly to them. The tenor whereof followeth :

Touching the two heads proponed be the Commissioners of the Generall Assembly to their brethren, to advise upon against this Assembly ; viz. Of universal repentance, and earnest turning to God : And of order taking for resisting the enemies, and maintainance of the liberty of religion and country.

Our advice in the first is, That yet once at the last, the chief and grofs line of all estates, which procure this present wrath of God, be agreed upon

by name severally, and acknowledged by this Assembly, for the more easie provocation of the whole body of this realme to earnest repentance, and speedy turning away from the sins foresaid; for as John saith, If wee acknowledge our sins, God is faithfull and just to forgive us our sins: otherwayes, if in so great a multitude of our iniquities, which this day answer so plainly to the faces of all estates of this realme, wee say one still with the unhappy Jewes, as hitherto wee have done, Wherein have wee sined: what else do wee, but as desperatly they did, and said in the days of Jeremy, Surely wee will walk after our own imaginations, and doe every man after the stubbornness of his wicked heart. And so as it is said in the Law, The Lord will not be mercifull vnto us, but will shew us the back, and not the face, no not though Moses and Samuel would pray for us in the day of our destruction.

And to begin at ourselves of the Ministry, That wee acknowledge our publick transgressions in our persons, and office particularly, whereof the catalogue is in readines to be seen, according to the admonition of the Lord by his prophet, saying, Let the priests, the ministers of the Lord, weep between the porch and the altar, and let them say, Spare thy people, O Lord, &c.; lest it be found according to the saying of the Apostle, That wee that teach others, teach not ourselves, and so be found reprobats.

Next, That this Assembly agree upon the true and right taking up the sins of our Princes, and Magistrats superior and inferior; and on the found means to deal with them duetifully and faithfully, without all flattery, for their true amendment, according to Gods command to the prophet, saying, Say unto the King, and to the Queen, humble yourselves, sit down, for the crown of your glory shall come down from your heads; for their sins are not the least cause of the plague of God on the people, as by David, Manasses, and others may be seen.

Thirdly, and last, That the most notorious sins of the whole body of the people in burgh and land, be given in, and acknowledged, and order taken for the speedy ammendement thereof by the Ministry and Magistrats, according to the examples of Josuah, Jehosaphat, Ezekias, Josias, the King of Niniveh, Constantius, Constantine, &c., the Prophets, and Apostles, &c. The catalogue over easy to be made.

As for resisting the common enemy, which is the second, our judgement is, That the found following out of the former advice touching the first, shall make an easy way for the second; otherwayes, which God forbid, it

will be but lost labour to travell much in that matter; yet willing and hoping the best, wee have remitted the particulars of that matter, and our advice thereanent, to the Commillioners of this Presbytrie, who faithfullie (wee doubt not) will discharge their duty in the same.

This advice was approved be many, but withstood be some, namely, the Moderator himself, Mr Robert Pont, who alledged, that the first and chief motive of their conveening was to consult upon their withstanding the Spainards. The Commillioners letter was read, and it was found that Mr Davidfon had said right.

Mr Davidfon was appointed to give up the particular catalogue of the chief offences and corruptions in all estates.

He presented the catalogue of offences in Ministers, upon Wednesday before the Assembly. Mr Andrew Melvill desired to be added, The censure answerable to the offence. Whereupon Mr Nichol Dagliesh, Peter Blackburn, Walter Balcanquall, John Mackquhern, Adam Johnstoun, John Knox, James Law, John Johnstoun, and Mr Davidfon himself, were appointed to goe apart, and to consider what offence merited admonition, what deprivation; which they did. C.]

Sessio 4^a 25 March. [1596.]

[Upon Wednesday the 25 of Marche, the King came himself to the Assembly. He urged a contribution of the whole realme, not to be lifted presently, but when need should require. The Moderatour expounded to his Grace, the two heids quherin the Kirk hes hitherto bein occupied, and how farre els it hes proceidit, viz. First, The substantiall heid, [for] moeyen how to resist the enemy, quhilk was verbo recited be my Lord Kinlofs, for the rest of the number deput to advyse therewith; and nixt, concerning the purgatioun of the Kirk of offences: And because the first is not yet thoroughlie concludit, the Assembly thocht it expedient that the Barrones and Ministrie quhilk mett thervpon, take farther resolution afternoone, and present thair advyce to the Assemblie in wryte. C. & B.]

His Majestie thereafter proponit the lamentable disfordour of the zeirlic alterationn of the platt [appointed for the modification of Ministers stipends,] and therfor desired that ane constant platt should be made, quherunto his Majestie was most earnestly bent. The Assemblie hes thought meit

befor any thing be concludit therin, to fie the act of Parliament made in the 3^{er} of God 1592 3^{er}is.

Sessio 5^a. Eodem die.

Overtures for resisting of the enemies of the religioun and estate of the countrey, asweill forraine as intestine.

First, That all sic that hes kythit in actioun with his Majesties forfaultit rebels, and thair knowin favourers and assisters, be chargeit to enter thair persons in ward, ther to remaine ay and quhill they find sufficient caution, that they fall not traffique nor intertaine intelligence with the saids rebels, nor any vther enemies to the estate or religioun, neither fall joyne with them nor make them any assistance, in cace they repare within the countrey; and that they give thair eldest sonnes or neirest freinds in pledgis for the [maire fure] observing heirof.

2. That the hail livings of the forsaid rebels to his Majestie, be exactlie tane vp be his Majesties officiars to be appoyntit for that effect, and to be imployit for the intertainment of hyred men, for defence of the good cause against the enemies, and for bearing of vther charges necessar for the advancement of the said cause, as ane of the effectuall meanes to encourage all such as are knowin to be weill affectionat to the cause, and to procure thair anefald concurrence to the vttermost.

3. That ther be chosin in every paroch be his Majesties autoritie, and vott of the Minister, Sessioun, and Principalls of every paroch, Captaines knowin to be most meitt [and of best affectioun,] to conveyn the hail paroch in armes monethlie in mustures, and to fie that they be all sufficiently armeit according to thair abilitie, and trainit vp in the exercise of thair armes: And sicklyke that ther be chosin Generall Commanders in diverse quarters and shyres of the countrey, to conveyn in armes at all occasiouns neidfull, to resist all attempts and interpryses of the enemy forraine and intestine.

4. That some substantiall ordour be takin for bringing hame sufficient number of corlletts, musketts, picks, and vther armour neidfull; and that the samein be brocht and receivit aff the merchands hands with all expeditioun.

Last, That the haill cautioners that became bound for the good behaviour of the saids rebels without the countrey, be chargeit befor the Counsell, and conviet of the penalties conteinit in the aëts of the cautionrie; and that the saids penalties be imployit vpon the sustentatioun of hyrit men, and vthers burdens neidfull for the weill of the cause.

Sessio 6^a 26 March.

Forfameikle as the towne of Edenburgh hes takin purpoe and labour in divyding of their populous congregatioun, and hes made good progresse therin to the good example of the countrey; nottheles the worke remaines imperfyte in a part, through not divisioun of the Auld Kirk be a parpall wall, being verie commodious and litle expensive: Therfor the Assemblie directit my Lord of Kinlose, the Kings Majesties Commissioner, the Lord Sinklair, the Justice Clerk, Mrs Peter Blackburne, James Nicollone, Andro Melvill, [to] the Counsell of the said burgh, immediatlie from the Assemblie, to exhort and requeist the Counsell to further and perfyte the good beginning, and to divyde the said kirk be ane parpall wall.

Quho returning back with the Bailzies of the towne, declarit that the Counsell, be reason this day of Law is not frequent, alwayes to the divisioun be a parpall, hitherto they could not aggrie, being myndit to build the Tolbuith; desyreand the Kirk carnestlie to requeist the Lords and Colledge of Justice, quho hes land within the burgh, that they wald contribute therto: quhervnto the Kirk aggried, provydeing that they wald fall to presentlie to the divisioun be a parpall: ordaining the Bailzie to report the direct answier of the Counsell heirvpon, vpon Mononday nixt to come.

Ordaines ane article to be givin in to the Kings Majestie for establiishing ane act, annulling all taks sett be Ministers without consent of the Assemblie.

Sessio 7^a

Anent contraverfies and decisioun therof amongst the Ministers: The Kirk and Commissioners present ratifies the act made at Dundie heiranent,

and ordainit the same to be extendit to Reidars afweill as Ministers; and the paine of contumacie mentionat theirin to be deprivation.

Because the bounds of Nithefdaill, Annandaill, and Galloway, are destitute of Pastors, the Kings Majesties Commissioners proponit to the Assemblie, that the Kirk wald take care to appoint some qualified men for the Ministrie ther, for whose provisioun and intertainment his Majestie wald take ordour.

Concerning the defectiouns of the Ministrie: The samein at length being red out, [reasonit,] and considderit, the brethren concludit the samein aggrieuing therwith; and in respect that be Gods grace they intend reformatioun, and to lie the Kirk and Ministrie purgeit; to the effect the worke may have better successe, they think it necessar that this Assemblie be humblit for wanting such care as became them in such points as is sett downe, and some zealous and godlie brother [in doctrine] lay them out for thair better humiliatioun, and that they make solemne promise befor the Majestie of God, and make a new covenant with him for a more reverent and carefull dischargeing of thair ministrie: To the quhilk effect was chosin Mr John Davidstone, and Teusday nixt, at nyne houres in the morning, in the New Kirk, is appointit for that effect; quhervnto none is to resort but the Ministrie. The forme is to be advysed the morne in privie conference.

Sessio 8^a.

[This commission following was given for visitation of Kirks.

For as much as it being considered be the Assembly and Commissioners present, to be a thing most necessar, that the most dangerous parts of the country, and where least, or no planting is, a visitation should be appointed to occurre the dangers already fallen out, or that may farther fall out if they be not prevented; and for the better planting of the Ministry, where as yet it is not planted: Herefor the Assembly has given and committed, and be the tenour hereof gives and committs their full power and commission to their loving brethren under written within the particular bounds after specified, according to the division following, to visit and try the

doctrine, life, diligence, and fidelity of the Pastors within the Presbyteries, where they are established already; and also in the bounds, where as yet no Presbyteries are planted; and therein to take inquisition and tryal, if there be any beneficed persons of the Ministrie not making residence, having no reasonable cause to purge the same; if there be any that have delapidated their benefices, sett tacks, or made to others dispositions of their benefices, or any part thereof, by the consent of the Generall Assembly; any slanderous, or unmeet to serve the Kirk of God: And if any such be found, to proceed against him according to the quality of the said offence, according to the acts of the Kirk; assuming to them such brethren of the Presbytrie, where they make tryal, as they think most zealous, sincere, and best affected to reformation, to assist them, with power alwa to depose such as are worthy of deposition be the acts of the Kirk, and place others in their rowmes. And where no Presbytrie is, the brethren appointed to the visitation of these bounds, to travell diligently to plant the Ministry therein, and to proceed in all the heads above written be themselves, with the like power of deposition with the former. The particular times of their visitation to begin as hereafter shall be appointed; and generally, in all things to proceed as the Assembly might doe, if they were present: That is to say, for the bounds of Orkney, Zetland, Caithness, and Sutherland, Mr Robert Pont, Mr Alexander Dowglafs, Minister at Elgin, Mr George Monro, Elder, to beginne their visitation the first day of June next: For Ross, Murrey, and Abberdeen, Mr James Nicolson, Mr Patrick Blackburne, Mrs James Melvill, Andrew Melvill, with the said Mr Alexander Douglass, to begin their visitation the first of August next: For Angus, Mr James Balfour, David Lindsay, Andrew Muncraif, or any two of them, to begin their visitation the first of July next: For Kyle, Carict, Cuninghame, and the bounds of Galloway, Mrs Robert Bruce, Patrick Sharp, John Spottwood, to begin their visitation the first of July next; and the said Mr Robert Bruces place, in his absence, to be supplied be Mr Robert Rollock: For Nithsdale, Annandale, Lauderdale, Elkdale, and Ewisdale, Mr John Davidson, John Johnston, William Scott, John Carmichael, John Knox, and John Welsh; their visitation to begin the first of August next to come. And ordaines the Presbyteries which have no visitors appointed be this Commission, to be carefull in their own visitation while the next Assembly: Injoyning also the Presbyteries, out of which Commissioners are tane to visitation, and what the said

Commissioners doe in execution of this commission, to report to the next Generall Assembly of the Kirk, &c. C.]

The tenour of the advyce of the brethren deput for penning the corruptions and enormities in the Ministrie, and remeid therof, allowit be the Generall Assemblie heir conveynit.

Corruptions in the Office.

Forfameikle as be the too suddan admissioun and light tryall of persons to the Ministrie, it cometh to passe, that many flanders fall out in the persons of Ministers, it wald be ordainit in tyme comeing, that more diligent inquisition and tryall be vsed of all such persons as fall enter in the Ministrie, as speciallie in thir points.

That the intransit falbe posed vpon his conscience befor the great God, (and that in the most grave maner,) quhat moves him to accept the office and charge of the Ministrie vpon him.

That it be inquiryit, if any by solistatioun or moyen, directlie or indirectlie, prease to entir in the said office; and it being found, that the solister be repellit, and that the Presbitrie repell all such of thair number from votting in the electioun or admissioun as falbe found moyeners for the solister, and posed vpon thair conscience to declare the trueth to that effect.

Thirdly, Because be presentatiouns, many forcible are thrust in the ministrie and vpon congregatiouns, that vtters thereafter that they were not callit be God, It wald be provydit that none feik presentatiouns to benefices, without advyce of the Presbitrie within the bounds quherof the benefice lyis; and if any doe in the contrair, they to be repellit as rei ambitus.

That the tryall of persons to be admitted to the Ministrie heirafter, consist not only in thair learning and abilitie to preach, but also in conscience, and feiling, and spirituall wisdome, and namelie, in the knowledge of the bounds of thair calling, in doctrine, discipline, and wisdome, and to behave him accordinglye with the diverse ranks of persons within his flock, as namely, with atheists, rebellious, weake consciences, and sick vthers, quherin the pastorall charge is most kythit, and that he be meitt to stop the mouthes of the adversaries; and sick as are not found qualified in thir points to be delayit to farther tryall, and quhill they be found qualified.

And becaufe men may be found meit for fome places, quhilk are not meit for vthers, it wald be confidderit that the principal places of the realme be provydit with men of molt worthie gifts, wifdome and experience, that none take the charge of greater number of peiple nor they are able to difcharge; and the Affemblic to take ordour heirwith, and the aët of the Provinciaill Affemblic of Louthiane made at Lynlithgow to be urgeit.

That fuch as falbe found not givin to thair booke and fludie of Scriptures, not carefull to have bookis, not given to fanctificatioun and prayer, that fludie not to be powerfull and fpirituall, not applying the doctrine to his corruptiouns, quhilk is the pastoral gift, obfcure and too fcolastlike befor the peiple, cauld and wanting zeale, negligent in viliteing the feik, caring for the poore, or indifereit in choofing of parts of the Word not meiteft for the flock, flatterers, and diflembling publick fins, and speciallic of great perfonages in thair congregatiouns, for flatterie or feare; that all fiek perfons be censured according to the degries of thair faults, and continueing therin, to be depriyvit.

That fuch as be flouthfull in ministratioun of the facraments, and irreverent, as profaners, receiving cleane and vncleane, ignorants and fendles profane, and making no confeience of thair profellioun in thair calling or families; omitting due tryall, or vling none or light tryall; having refpect in thair tryall to perfons quherin there is manifelt corruptioun: that all fiek be fharpely rebuikit, and if they continue therin, to be deposit. And if any be found a feller of the facraments, that he be deposit fimpliciter; and fiek as colludes with slanderous perfons, and difpenfing and ovirfieing them for money, incurre the lyke punifhment.

That every Minister be chargeit that he have a Sellioun eftablifhed of the meiteft men in his congregatioun, and that difcipline ftrike not only vpon groffe finnes, as whordome, bloodfhed, &c. but vpon all fins repugnant to the Word of God, as blafphemie of God, banning, profaining of the Sabbath day, diffobedience to parents, idle vnrule anes without calling, drunkards, and fieklyke deboshit men that makes no confeience of thair lyfe and ruleing of thair families, and speciallic of educatioun of thair children, lying, flandering, backbytting, flattering, and breeking of promifes: And this to be ane vniverfall ordour throughout the realme; and fuch as are negligent, continueing therin after admonitioun, to be deposit.

That none falling in publick slanders be receivit againe in fellowfhip of the Kirk, except his Minister have fome appeirand warrand in confeience,

that he hes both ane feiling of sin, and apprehensioun of mercie ; and for this effect that the Minister travell with him be doctrine and privat instructioun, to bring him heirto, and specially in the doctrine of repentance, quhillk being neglected, the publick place of repentance is turned in a mocking.

Dilapidatioun of benefices, dimitting of them for favour or money, that they become laik patronages, without the advyce of the Kirk ; and sicklyke, interchanging of them be transactioun, and transporting of themselves be that occasioun, without the knowledge of the Kirk, be precislie punished : Sicklyke, fetters of taks, without the consent of the Assemblie, be punished according to the acts ; and that the dimissioun in favours for money or vtherwayes to the effect above wrytin, be punished as the dilapidatours.

Corruptiouns in thair persons and lyves.

That sick as are light and wantoun in thair behaviour, as in gorgeous or light apparrell, in speich, in vseing light and profane companie, vnlawfull gameing, as dancing, cardeing, dyceing, and such lyke, not beseiming the gravetie of ane Pastour, be sharplie and gravelie reprovit be the Presbitrie, according to the degrie therof ; and continuing therein after due admonitioun, that he be depyvit as slanderous to the Gospell.

That Ministers being found swearers or banners, profaners of the Sabbath day, drunkards, fighters, guilty of all thir or any of them, to be deposit simpliciter ; and such lyke, liers, detracters, flatterers, breakers of promises, braulers and quarrellers, after dew admonitioun continueing therein, incurre the same punishment.

That Ministers givin to vnlawfull and incompetent trades for filthie gaine, as halding of hostlaries, taking of ocker besyd good conscience and lawis, and bearing worldly offices in Noble and Gentlemens houses, merchandise, and such lyke, buying of victuall and keiping to dearth, and all vther worldlie occupatiouns as may distract them from thair charge, and be slander to the Pastoural calling, be admonished and brought to the acknowledging of thair faults, and if they continue therein, to be deposit.

That Ministers not resident at thair flocks be deposed, according to the acts of the Generall Assemblie and laws of the realme ; vtherwayes the burdein to be laid vpon the Presbyteries, and they be censurit therfor.

That the Assemblie command all thair members, that none of them

awaite on the Court and the affaires therof, without the advyce and allowance of the Presbytrie.

Item, That they intend no actioun civill without the said advyce, except in small matters ; and for remeiding of the necessitie that some Ministers hes to entir in pley of law, that remedie be craveit, that short proces be devysed to be vsed in Ministers actiouns.

That Ministers take speciall care in vsing godly exercises in thair families, and teaching of thair wyves, children, and servants, in vsing ordinarie prayers, and reiding of the Scriptures, in removeing of offensive persons out of thair families, and such lyke vther points of godly conversatioun and good example ; and that they, at the visitatioun of thair kirks, try the Ministers families in thir points forsaids ; and such as are negligent in thir points, after due admonitioun, salbe judgeit vnmeit to governe the house of God, according to the rule of the Apostle.

That Ministers in all companies stryve to be spiritual and profitable, [and to] talk of things pertaining to godlines, as, namelie, of sick as may strenthen them in Chryst, instruct vs in our calling, of the meanes how to have Chrysts kingdom better established in our congregatiouns, and to know [how] the gospell flourishes in our flocks ; and such lyke vthers the hinderances and the remedies that we find ; quherin ther is manifold corruptiouns, both in the companying with ourselves and with vthers ; and that the contraveiners heirof be tryit and sharply rebuikit.

That no Minister be found to countenance, assist, or procure for ane publick offender challengit be his awin Minister for his publick offence, or to beare with him, as thogh his Minister were too severe vpon him, vnder the paine of admonitioun and rebooking.

Anent Generall Assemblies : To urge the keiping of the acts anent the keeping of the Assembly, that it may have the awin reverence.

Sessio 10^a 29 [Martii.]

Instructions to Mrs James Prestoun, and Edward Bruce, Commendatour of Kinlofs, his Majesties Commillioners to the present Generall Assemblie.

Imprimis, Ye sall shew to the said Assemblie our good will to have all the kirks of Scotland plantit with Ministers, and sufficient livings appointit

to them, to the great hurt of our awin rent, and that portioun of the thrids quhilk was assignit to our hause, and our Comptrollours in possession therof: Bot sieing that the haille thrids is not sufficient to plant the haille kirks, nor get comodious to Ministers to serve in ane place, and have thair livings to seik in another [very] farre distant from thair cure: Therfor we thought good to sett fordwart ane ordour for locall stipends, founded vpon this ground, that all the kirks of Scotland shuld have Ministers, and all Ministers stipends within thair awin paroches, of sick valour, as be our authoritie on the ane part, and concurrence and procurement of the Kirk on the vther, might be obtainit from the taksmen of teinds, present possessours of the said rent; for the quhilk effect we causit ane act of Parliament to be made in the geir of God 1592, grantand commissioun to certaine Noblemen, Counsellors, Officers, [and] Ministers, on the vther parts, to intreat and prosecute this matter; and als hes givin command in particular, to certaine of our Lords of Checker to help, with thair advyce and labours, to bring this matter to some perfection, quherin, as we vnderstand, ther is something done, as ane part of the brethren can [bear] record. Lyke as we, continueand in our good mynd in our tyme to have the kirks settlit anent thair livings, and not intanglit geirly with processe, and our haille kirks plantit within this realme, be thir presents, offers and promitts to the said Assemblie, to cause our Commissioners, Counsellours, and Officers, to convene presentlie, befor the expyreing of this Assemblie, with the said Commissioners for the Kirk, to begin this good purpose, and to lay the ground, and sett downe the ordour, and tyme and place of conveying, to prosecute the samein to the finall end, conforme to the act of Parliament, so that the stay, (if any,) falbe on the part of the Kirk, as it has bein of befor, and not on our part.

Item, Ze sall shew to them that it is a stay to this good worke, that be some of thair preachings they wald make the peiple to vnderstand, that we and our Counsell stay the planting of kirks, and take away the present livings possessit be Ministers; albeit the contrair be of veritie, that We and our Counsell is most willing that the haille kirks be plantit, and the rents of the Ministers augmentit, so farre as lawfullie may be obtainit with consent of our Nobilitie, and vthers taksmen of teinds, whose rights, but ordour of law, We cannot impare; and therfor this forme of preaching discourages our good Counsellours most willing to this work, and is ane hevie slander

vpon the Ministers themselves, quherin ze fall desyre ordour to be taine, that the lyke be not done in tyme comeing.

Item, Ze fall desyre these your instructiouns in our name, to be registrat in the Books of the Assemblie, as ane perpetuall testimonie of our good will; and als that ansuers be given, [in particular,] be ane generall voting of the haill Assemblie, and no wayes to be referrit to ane privat conference; and the ansuers sa vottit to every partiular heid to be registrat in lyke maner therwith, and the extract of all these articles and ansuers to be deliverit to you, to report to vs again. Sic subscribitur,

JAMES R.

Sessio 11^a.

[Upon Tuesday the 30 of March, the Ministers and other Commillioners conveyened in the Little Kirk at nine hours, the one kirk door being shutt, and the other sett open for a certain space, whereby it came to pass, that few were present, except the Ministry, the whole number amounting to four hundred persons, all Ministers, or choise professors. After the first prayer, Mr Davidson caused the Reader to read the 15 and 34 chapters of Ezekiel: which being done, first, he purged himself of ambition for that place; yet seeing it pleased God, said he, to move them to choise him the least worthy, and unmeetest in the number, to occupy the place of a teacher that day, they were not to look, that he came there to be censured of them, but to use the authority of a teacher as to disciples in that respect; and yet did not take from them the liberty that God gave them to try the spirits, whither they were of God or not. He shewed, that the end of that convention was the confession of their own sins, who were Ministers, and promise of amendment in time to come, and so to enter into a new league with God, that being sanctified by repentance, they might be the meeter to provock others to the same; that they should not think it needles nor strange to enter in examination of themselves guilty of the imminent judgment. They were to conferr, and compare themselves, their learning, zeal, godliness, multitude, dayes, times, occasions, and helps, or rather wants, with the Prophets of former times, namely the Prophets of these dayes, whereof these two chapters treated, and see what priviledge they have more than they had; and why among their multitude pro re nata

there might not be as many false prophets, and as few true and sincere, as were in these dayes. He amplified this head, and said by preterition he would not be rhetorical in discourse; and yet he was very moving in application to the present times, so that within an hour after they entered in the kirk, they looked with another countenance, than that wherewith they entered. He exhorted them to enter into their privy meditations, and to acknowledge their sins, with promise and purpose of amendment. So while they were humbling themselves for the space of a quarter of an hour, there was such sighs and sobs, with shedding of tears, among the most part of all estates that were present, every one provoking another by their example, and the teacher himself be his example, that the kirk resounded, so that the place might worthily be called Bochim; for the like of that day was never seen in Scotland since the Reformation, as every man confessed. There have been many dayes of humiliation for present or imminent dangers; but the like for sin and defection was there never since the Reformation.

After the prayer and publick confession, he treated upon Luke 12. 22, with rare assistance of Gods Spirit, to the wonderfull astonishment, and casting down, and to the raising up again of the brethren. The exercise continued till near one afternoon. When the brethren were to dissolve, they were stayed be the Moderatour, and desired to hold up their hands to testify their entering into a new league with God.

Sessio 12^a. Penultimo Martij.

Forfameikle as the brethren of the Ministrie conveyit in this Generall Assemblie, hes with solemne humiliatioun acknowledged thair sins this day, and negligence of thair conscience befor God, and hes entrit in a new covenant with him, protesting to walk more warlie in thair wayes, and to be more diligent in thair charges; and seeing ane great part of the Ministrie is not present at this actioun: Therfor the Kirk commands the brethren of the Synodall Assemblies to make the lyke solemne humiliatioun and protestatioun as was observit be the Generall, at thair nixt conveying; and so many as beis not at thair Synodall, to doe it at the Presbitries.

Articles proponit be the Commillioners of the constant Platt to be advyfit and pall in Acts be the Generall Assemblée.

First, It is thocht requilite be the saids Commillioners, and craveit, that the said Assemblée wald ordaine, that the Moderatours of ilk Presbitrie within this countrey, sould give presentations, jure devoluto, of all benefices of cure, belonging to laick patrones within their bounds, that hes not presentit qualified persons within sex monethis of the deceis of the last possessor therof; and slikeyke, of benefices that fall vaik heirafter, in case the saids patrones neglect to present within fixe monethis, to Ministers serving, or that fall serve the cure of the saids kirks, vnder the paine of deprivation; and that the saids Ministers accept their presentations, and persew [them:] And if ther be not actuall Ministers presentlie at the saids kirks, in that case, that the said Moderatours deale effectually with vthers qualified persons, to accept the saids presentationis, and to prosecute the same in be law.

That all beneficit persons, that are heir present in this Assemblée, be movit presentlie to interdyte themselves from all setting and disposing any part of thair benefice to quhatomevir person or persons, without the speciall consent and allowance of the Generall Assemblée; and the interdiction to be subscryvit be sliik as are present; and vthers that are absent, to be vrgeid be thair Presbitries to doe the same, immediatlie after the dissolving of the Assemblée.

Because the kirks in diverse places of the countrey sustaines great hurt through the lack of qualified persons in the Ministrie, instructit and trainit vp in the Schooles of Theologie: Therfor it is craveit, that ane act be made in this Assemblée, ordaining every Provinciall Assemblée to furnish a sufficient intertainment for a burser in the New Colledge of Sanct Androes, this 96 zeir, and so furth, zeirlic, in all tyme comeing; and that every Provinciall Assemblée fall have the priveledge to present the said burser so oft as the benefice or place fall vaik: And in case ther be any of the Ministers sonnes within the Province, of merit graces for the said place, that he be preferrit to all vthers to the Ministrie; and after the expyring of his course in the studie of Theologie, that he be bound to imploy his travels within the Province, to the quhilk his graces may be anfuerable; and that it be not leifsum to the said burser to imploy his travells in any vther place, except be the speciall advyce and consent of the said Province.

Seeing the necessitie of the commoun affaires of the Kirk craves, that ther be a continuall travelling and attendance at Court, both for the furtherance of the present worke, quhilk is in hands, of the planting of the kirks; as also of the continuall diligence of the enemy, waiting at all occasions, speciallie when they find any slacknes vpon the part of the Kirk, in the discoverie and relifting of the interpyres of the said enemy: Therefore it is craveit, that a care and burdein of the commoun cause be laid vpon some brethren be the Generall Assemblie, either of them that are residents heir about Court, or els of some vthers to be appointit in diverse parts of the countrey, because vtherwayes ther is none that finds themselves in conscience bound to have any care heirof, or to take any paines heirin.

To the first two articles the Assemblie agreit.

To the thrid, The Assemblie ordainit it to be movit in the Provinces first.

To the fourt, Appoints Mrs Robert Bruce, David Lindefay, James Balfour, and James Nicolfone with them, quhen he is present.

Sessio 13^a. Ultimo die Martij.

Anent the articles concerning thair Majesties persons and houses: The Assemblie hes nominat Mrs Patrick Galloway, James Nicolfon, and James Melvill, to conferre with thair Majesties theranent.

Offences in his Majesties House.

First, As strangers and vther good subiects repairing to the Court, hes bein confortit to sie Christian religioun religiouselie exerciseit; so now they are somequhat troublit, seeing now the exercise of the reiding of the Word at table, and reverent saying of the grace befor and after meat, diverse tymes omittit.

That on the weik day the repairing to the heiring of the Word is mair rare then befor; and that he wald be admonischit for hearing of speeches, in tyme of fermoun, of them that desyre to commoun with his Majestie.

Privie meditatioun with God in spirit and conscience, earnestly to be recommendit to him.

His Majestie is blottit for banning and swearing, quhilk is over common in courteurs also, and movit be thair example.

His Majestie wald labour to have sick companie about him as himselfe, according to his awin quhilk is gravelie to be recommendit to his Majestie to be put in practife. Robert Laud, and such as are suspectit, to be removit; especiallie murtherers, [Papills,] and profane persons.

The Queens Majesties ministrie to be reformat; and tuiching her companie, her not repairing to the word and sacraments, night walking, balling, &c.; and such lyke concerning her gentlewomen.

In respect of the report of the brethren of the North, that gentlemen and burgeses are lyke to leave thair houses for feare of the enemies, seeing thair great insolence vnrepelled at home; the returning of thair wyves to the countrey againe, and thair provisions in thair houses and castells for thair home comeing, quhilk is murmurit against in all the countrie: For remeid, it is to be craveit that the Ladies of Huntlie and Erroll presentlie be broght back againe and placeit in Sanct Androes; my Lord Gordoun sicklyke to be broght to the South, and put to the schooles; thair freinds in the South to be wardit; and Cluny, Geicht, Abergeldie, Cowbairdie, Bonytoun gonger, Craig gonger, Alexander Hay of Auchmather, Mr Alexander Leslie of Peill, James Knowis, Johnne Gordoun of Newtoun, [Towie Barclay, Patrick Conn,] to be apprehendit. And for this [effect] it was thocht good that some Commillioner, the Provest of Edinburgh, with the Laird of Wedderburne, be directit to the North, with the Kirks Commillioners already appointit.

The commoun corruptiouns of all Estates within this realme.

Ane vniverfall caldnes and decay of zeale in all Estates, joynit with ignorance and contempt of the Word, Ministrie and Sacraments; and quher knowledge is, no sence nor feeling, quhilk vtters itselfe most manifestlie be this, that they want religious exercises in thair families, as of prayer and of reiding of the Word; and quher the samein, for the most part abused and profanit be cuiks, stewarts, jackmen, and sicklyke; and the masters of families alhamit to yle thair exercises of godlines in thair awin

perſons ; and no conference at their tables, but of profane, wanton and worldie matters.

Superſtitious and idolatrie maintaint, quhilk vtters itſelfe in keeping of feſtuall dayis, and boonefyres, pilgrimages, ſinging of carrells at Yoole.

Great blaſphemie of the name of God in all Eſtates, with horrible bann- ing and ſwearing in all their ſpeeches.

Profanation of the Sabbath, and ſpeciallie in ſeid tyme and harveſt, and commoun journeying on the Sabbath, and tryſling on wardlie turnes, exerciſeing of all kynd of wanton gamis, keeping of mercatts, dancing, drinking, and ſuch like.

Little care, reverence, and obedience of inferiours to their ſuperiours ; as ſicklyk of ſuperiours in diſcharging their duties to their inferiours ; as quher children pleyis in law aganis parents, and many of them maries aganis their fathers [will and] conſent ; and no care of their parents for their education in virtue and godlines.

Ane flood of bloodſheds and deadlie feids ryſeing therevpon, and vniverſall aſſiſting of bloodſheds for eluding of lawis.

Adulteries, fornications, inceſts, vnlawfull mariages, and divorcements allowit be publick lawis and Judges ; and children begottin in ſuch marriages declairit to be lawfull ; [exceſſive] drinking, waghting, and gluttony ; quhilk is no doubt the cauſe of this [great dearth and] famine ; [and] gorgeous and vaine apparrell, filthie and boudrie ſpeeches.

Sacriledge in all eſtates without any conſcience, growing continuallie mair and mair, to the vtter vndoing of the Kirk, and ſlaying of the planting of the goſpell.

Cruell oppreſſioun of the poore tennents, quherby the hail commouns in the countrey are vtterly wrackit, be extreame dear ſetting of their rowmes, and halding out of their cornes by vntymeous teinding, and extreame thraldome in ſervices.

Oppreſſioun vnder pretext of law, be vſurie, and be contracts againſt law ; foreſtalling of mercats, and regrateing be gentlemen, burgeſſes, and commouns ; quherby pryces of victualls is mervailouſlie raiſed to the great hurt of the poore ; and ſicklyke be girnelling of victualls, and withholding them from the mercatts, and not threſhing of them out in due tyme.

Ane great number of idle perſons without lawfull calling, as pypers, fiddlers, ſangſters, forners, pleaſants, ſtrang beggers, living in harlotrie, and having their children vnbaptizit, without all kynd of repairing to the word.

Offences in the Court and Judgement Seat.

Vniverfall neglect of justice both in civill and criminall causes, as, name-
lie, in granting of remillions and respitts for blood, adulteries and incests ;
no executioun of good lawis made against vyces, or in favour of the Kirk ;
and in civill matters, the Judges, for the most part, vnmeitt, either in re-
spect of the want of knowledge, or conscience, or baith ; and quhen any
office vaikes, the worst men advancit therto, both in high and inferiour
rowmes.

No executioun made against the adherents of the detected enemies, and
the enemies themselves, nor imploying of thair livings to the [vse of] re-
fittling of the enemies, quherby the enemies are rather benefitit nor hurtit.

The odious murther of Dunnibirfle not punischit.

In Parliaments, sacrilegious persons, as Abbots, Pryours, dumb Bischops,
voteing in name of the Kirk, contrair to the lawis of the countrey, quherby
the cause of the Kirk is damnified.

The Sessioun is chargeit with buying of pleyis, delaying of justice, and
bryberie, quhilk is evident by extraordinar and suddan conquests.

Greives to be humblie meanit to his Majestie, in name of the Generall
Assemble, be thair Commillioners, touching the principall offences
in the estate of the countrey, that, be his Majesties counsell and au-
thoritie, sufficient remedie in tyme may be provydit thervnto.

First, It is humblie meanit to his Majestie, that, to the great hazard of
religioun, and peace of the countrey, and greife of all good men, the for-
faltit rebels, and enemies of his Majesties estaite, inioyes thair lands and
livings als peaceable, and to thair greater advantage, then if they were at
his Majesties peace within the countrey ; and thair confederats and freinds,
partakers and assisters with them in thair treasonable attempts, are fullert
in so great a libertie, nevir having once so mikle as entrit thair persons in
ward, or givin pledges and suretie for thair good and dуетiefull behaviour
and obedience to his Majestie, in cace it fall happin the said rebels, or
any forraine enemies, to repaire within the countrey for disquyeting of
the estate therof ; as if they [had] immunitie and exemptioun from all
lawis, to confirme themselves for strenthening the hand of the enemies,

quhen they happen to arrive ; as it appeirs thair intentioun is, by [thair] preparatioun of force and armour, and leagues of friendship quhilk they are daylie binding vp.

Diverse Jesuites and excommunicat Papists are intertainit within the countrey, deteining such as they have pervertit in thair errours, and inducing vthers in the samein corruptioun ; and halding them in hope of [the] returning of the Papists Lords, with assistance of strangers ; as, namelie, Mr Robert Abercrombie, Mr Alexander Mcquhirrie, Abbot of Newabbay, Johne Gordoun of Newtoun, the zong Laird of Bonytoun, Mr Alexander Leslie of Peil, Patrick Con, Alexander Ramsay, and diverse vthers.

That in many places of the countrey, for lake of provisioun of sufficient stipends for provisioun of Pastours, the peiple lyeis altogether ignorant of thair salvatioun, and duetie to God and the King, quherthrow the land is overflowit with atheisme and all kynd of vyce ; ther being above foure hundreth paroch kirks destitute of the ministrie of the word, by and attour the kirks of Argyle and the Yles.

It is regratit vniverfallie be his Majesties lieges, that throw the delaying, perverting, and eluding of justice, murthers, oppressions, incest, adulteries, and all [kynd of] haynous crymes abounds.

It is to be heavilie meant, that the brethren of the Ministrie, that hes gottin any meane provisioun or help be the assignatioun [made] lxxxxv zeirs, are delayit and refusit of justice, be the Lords of Sesslioun refusand to decide thair suspensiouns according to the act of Februar 1587.

Articles to be proponit to his Majestie for remeid of the former greives.

For remeid of the former greives, it is humblie to be craveit of his Majestie, that the lands of the forefaultit rebells be disponit to sikk as are knowin to be most meitt, and of best affectioun, to resist the enemies of religioun, and of his Majesties Estate, both forraine and intestine : And in the meane tyme that thair livings be takin vp, and introumettit with be his Majesties officers, and imployit vpon the intertainment of wagit men, and vther necessar vses, for the mantenance and advancement of the good cause ; and that the Ladies of Huntlie and Erroll be chargeit to come fouth, and make thair residence in Sanct Androes, that they be no more a receipt

and encouragement to the enemies, as they are presentlie, be their subtille forme of practife, quhilk they have vsit this geir by past, to the confirming of thair freinds and confederats, and intyng of vthers quhom they might seduce to thair purpose, and open violence to such as refuses to yeild to thair course; and that the Ladie Huntlies eldest sonne be brocht south, to be trainit vp in the knowledge of good letters and religioun; and that the Lairds of Clunie, Gicht, Abergeldie, Cowbairdie, Craig zonger, Alexander Hay of Auchmatie, Buckie, James Knowis, Towie Barklay, Patrick Con, and the rest of thair principall freinds and confederats, that hes kythit with them in actioun, in thair treasonable interpryses against his Majestie, be chargeit to come south, and entir thair persons in some sufficient ward, ther to remaine ay and quhill they find sufficient catioun vnder the paine of great sowmes, that they sall neither traffique, intercommoun, supplie, nor intertaine intelligence, or give any kynd of assistance to any of his Majesties rebels, or [any vther] enemies of religioun [quhatfumevir,] and give sufficient pledgis of thair sonnes and neirest freinds to that effect.

That his Majestie give commissioun to some of his speciall servants, and vthers that are knawin to be of [abilitie and] good affectioun, to seik, searcb, apprehend, and present before his Majestie, Mr Robert Abercrombie, Mr Alexander Mcquherrie, the Abbot of New Abbay, Alexander Ramsay, the gong Laird of Bonytoun, Alexander Leslie of Peile, Johne Gordoun of Newtoun, and vthers, Jesuites, and excommunicat Papists, as thair names salbe givin in a roll.

That his Majestie wald prosecute his good purpose and intentioun declairit befor the Assemblie, anent the planting of the haille kirks within the countrey, with qualified Pastours, and sufficient provisioun of stipend for thair intertainment; and for that effect, that he wald give commissioun to the visitours nominat be the Generall Assemblie, to take inquisition of the estate of all the kirks within the bounds of thair visitatioun, and to deal with the tackismen and possellours of the teyndis, in his Majesties name, for sufficient provisioun to the Ministers, out of the rent of every paroch, and to report the samein to his Majesties Commissioners appointit for the wark of the Platt, in the act of Parliament, and provyde some honest moyen for the intertainment of thair charges in the journey.

That his Majestie take ordour substantially be advyce of his Counsell and Estate, how the principall Judgement seats and vther inferiour Judgements may be purgeit of vnqualified and corrupt persons, and filled with vthers

meit to discharge that calling faithfullie, for the comfort of his Majesties peaceable and well disposed subiects.

That his Majestie wald command [and ordain] the Lords of Sessioun to minister justice to the brethren of the Ministrie, that hes gottin any augmentatioun of thair meane stipends or new provisioun by the Commillioners appointit be his Majesties Commissioun the 1595 [geirs,] and that according to the act of Februar 1587, as they are bound by thair solemne aith and promise ; seeing the extraordinarie dearth vrges them with so great necessity, that vnlesse his Majestie have some consideratioun of thair estate, they and thair families will be driven to extreame povertie and want.

[The new and constant Platt of planting all the Kirks of Scotland, penned to be presented to the King and Estates, anno 1596.]

Our Soverane Lord, with consent of the three Estates in Parliament, understanding that be the law of God it is exprelly commanded, as also for intertainment of religion and Gods service, it is more nor necessar, that the Ministers of his holy word have sufficient rents for their honest sustentatioun ; considering also that the rents and patrimony, which of old pertained to the Kirk, is greatly damnified and exhausted be annexation of the whole temporalitie thereof to his Hienes Crown, and be erection of a great part of the said temporal lands of the Kirk, with diverse kirks, and tithes included therewith, in new temporal Lordships ; and be the new fashoun of setting of long tacks of the said tithes for divers nineteen years and life rents successivé, for payment of small silver duety, no wayes equivalent to the half of the reasonable valour of the said tithes ; and be the pretended rights of many penlions, life rents, assignations, and other dispositions of the saids tithes, and duetie of tacks ; and be his Majesties right of the thirds, superplus, commoun kirks, first fruiets, and fyft pennie of every benefice, rights and disposition of the same, proceeding from his Hienes after his perfect age, and from his Graces predecessors, for the most part ratified in Parliament, whereby there is no moyen left presently to augment the small stipend of a poor Minister, albeit he had never so great ne-

cessity, nor yet to plant anie new Minister at anie congregation, albeit the most part of the parish kirks of Scotland are altogether destituted of all exercise of religion; and that there is a great number of Ministers not provided, but wanting upon some special charge and vocation; lyke as a great number of good schollers of the youth of this realme, for the like poverty, is compelled to pass to France, to the great danger of apostacy from religion, whereas otherways they might be profitable to the Kirk, and might be honestly intertained upon the said tithes; which tithes, not only before the written law of God, and thereafter be expresse commandement of the same, but also be the consent of all nations, and specially of this realme, have ever pertained to the Kirk, whereby of all reason the Kirk having no other patrimony, ought to be maintained in the right and possession of the said tithes, at lest ay and while they be sufficiently provided otherways; conform to the which divers acts have been made in Parliament, That before the new provision of anie Prelat, the Ministers at the kirks and parishes united to the said Prelacie, should be first provided to sufficient stipends, otherways the provision of the Prelacy to be null: And likewise in the tenth act of Parliament holden 1567, it is ordained, that the whole thirds be first imployed to the use of the Ministers, ay and whill the Kirk come in possession of their own patrimony, which is the tithes: and also in the said act of annexation, and divers other laudable acts, it is expressly provided, that the Ministers should be sufficiently provided of livings furth of the best and readiest of the spiritualities; and that they should be provided in title to all small benefices, that they should be provided to manse and glebs for their residence at their kirks; and that laick patrons should provide qualified persons: which acts have not tane fully effect, but on the contrair the livings of the said Ministers left uncertainly to be sought from year to year, at his Hienes Exchequer, out of the thirds with infinit process in law, be reason of the manifold disposition of the thirds to other laick persons, proceeding from his Hienes as having right to the whole thirds, commoun kirks, superplus, fyft pennie, and temporalitie of ilk benefice, and be reason of the collation of benefices pleno jure to persons no wayes qualified, contrair to the good meaning and intention of the foresaid acts of Parliament, to the utter wrack and destruction of the Kirk be plain povertie, as the professed enemies of Christ would have done of old, if speedie remedy be not found: Therefore his Hienes remembring that there is nothing more proper to his royal office, nor to

be nurisher of the true Kirk, and to be carefull of the advancement of the true religion, and continuing thereof to the posterity, with consent of the Estates in Parliament, be the tenor of this act declares, that the whole tithes of this realme, both Personages and Vicarages, as well united to Prelacies and other dignities, as not united, and other tithes quhatsoever, have pertained in all times bygane, and shall pertain in all times, to the Kirk as their proper patrimony : and of new, with consent foresaid, giveth, granteth, and disponeth, and perpetually mortifieth the said tithes of all Personages, and Vicarages, and other benefices whatsoever, within the realme, to the Kirk to remain therewith, as their own proper patrimony, conform to the tenor of this present act, in all time coming : And, with advice foresaid, statuteth and ordaineth, that the Lords of Exchequer, with such of the Ministry as shall be appointed hereunto, being of equal number with the said Lords, shall modifie and assigne out of certain touns of every parish, a certain quantity of victual of the teind shaves thereof, and other duties of the Vicarage, as the nature of the ground may pay, with the manse, and whole gleeb land, if the same remain yet unfewed ; and if the said glebe be fewed, four aiker of the said gleeb, whither the same be of the Parsons, Vicars, Bishops, Priors, or Prioresse, Deans, and Subdeans, Abbeys, or any other Kirk Land, for the gleeb, as a local stipend to every parish kirk of this realme, without exception, for sustentation of the Minister thereat sufficiently and honestly in all respects, of the fruits of the parish itself, notwithstanding the said kirks be annexed to Prelacies, or other benefices, or not doted to Colledges, or Universities, or otherwayes pertaining to old possessors of whatsoever degree, or to Ministers newly provided in title therto at the Kings presentation, or laick patrons, divided amongst many Prebendaries, Deanries, or Chaplanries, or not divided commoun kirks, or other whatsoever qualitie, or condition the said parish kirk has been of, or be whatsoever manner of way the tithes thereof have been bruiked in times by past, and notwithstanding all and whatsoever right his Majestie may have, or pretend to the thirds, superplus, first fruits, and fift penny, of the said benefices ; and notwithstanding of all pensions, tacks, assignations, life rents, erection of the said tithes, or any part thereof in a temporal Lordship, provision to Prelacies, or other benefices, unions, or divisions of the said parishes, and other dispositions of the said tithes, or any part thereof whatsoever, proceeding from his Majestie, or his predecessors, after his or their perfect age, confirmed in Parliament

with whatſomever ſolemnity or otherwayes, to whatſomever Caſſes, Colledges, Universities, or particular perſons of whatſomever degree : And notwithstanding of whatſomever other tacks, penſions, life rents, ſewing of the ſaid tythes, with lands, and ſewing of the ſaid gleebes, and other diſpoſitions whatſomever, made be Prelats, or beneficed perſons, with conſent of their Chapters, to whatſomever particular perſon, Colledge, or Univerſity, for whatſomever ſpace of years, or yearly duty : And notwithstanding of the priveledge of the Lords of Seſſion, and aëts of Parliament, and other laws bygane, unions, annexations, and incorporations of ſeveral pariſh kirks to a Prelacy or other benefice, or diviſion of the fruiëts of a pariſh amang many Prebendaries, or Chaplanries, or others ; and notwithstanding all other impediments which any way may ſtay the full execution of this preſent aët : Declaring all and whatſomever the ſaid proviſion of benefices, unions, incorporations, diviſions, tacks, penſions, life rents, ereëtions, and ſewing of tithes, manſes, gleebes, priveledges, aëts, lawes, and former conſtitutions, and other diſpoſitions whatſomever of the ſaid tithes, manſes and gleebes, proceeding from his Maſteſtie, or his Maſteſties predeceſſors, or whatſomever other beneficed perſon, with whatſomever ſolemnity, to be null in time coming, in ſo far as they may make any prejudice to this preſent aët, and to the particular local aſſignation of ſtipends to be aſſigned to every pariſh kirk, conform thereto, and to the full execution thereof, but any other reduction or declarature of law : With power to the ſaids Lords and Miniſters to take true tryal of the valour of the ſaid tithes ; and to appoint, ordain, and aſſigne the ſaids perpetual local ſtipend at every pariſh, out of ſuch ſpecial touns and lands of the ſaid pariſhes ; and to unite ſeveral pariſhes in one, to diſſever one in moe, with conſent of the parochiners ; and to make a ſpecial book thereupon ; and generally to doe all things neceſſary for this effect : Which local aſſignations of ſtipends and tithes whatſomever of the particular towns and lands to be ſpecified therein, ſhall pertain as freely to the Miniſter of the ſaid pariſh, as if he had been provided of old in title thereto : with power to the ſaid Miniſter to collect, gather, and intromett with, and to make warnings and inhibitions againſt the poſſeſſors of the ſaid tithes, manſes and gleebes, with as great effect as any Parſon, or Vicar, or any other beneficed perſon might have done in any time bypaſt, notwithstanding all impediments foreſaids, and other whatſomever, but prejudice of the ſaids Miniſters rights to the whole remanent of the ſaid benefices, when the ſame ſhall vaike, and fall in their hands, be de-

ceafe of the prefent poffeffors, reducing or expyring of tacks, or other ways whatfomever, and of the free difpofition thereupon, as accords of the law, and conforme to this prefent aët in all points. And for the better execution of the premiffes, our Soverane Lord, with advyce forefaids, diffolves expreffly all and whatfomever unions of feveral parifh kirks to Prelacies, benefices of dignity and others, and fuppreffeth and abrogateth the name and ftiles of the faid Prelacies and dignities, and unites of new the tithes of every parifh, where the fame were divided of old amongft many Prebendars, Chaplans, and others, in a whole benefice; and ordaines that Minifters be provided in title to every parifh kirk in particular, which was before united to Prelacies now vacant, or which have vaiked in his Graces hand, fince the Parliament holdin at Edinburgh in anno 1584, or which fall in any wife hereafter vaick be demiffion, deprivation, or other ways whatfomever; and to all other feveral parifhes vacant, both to the Perfonage and Vicarage thereof, with the manfe, and gleebe of four aikers of land, conform to the former aëts made anent the faid gleebes and manfes; at the which kirks the faid Minifters fhall be obliged to make their refidence, and fhall have intromiffion with the fruits thereof, conform to this prefent aët, and book of perpetual modification of the local ftipends to follow hereupon: and after their deceafe, demiffion, or deprivation, the other qualified perfons to be prefented thereto be his Hienes and his Graces fucceffors, and be others having the right of prefentation and patronage thereof; and that no new Prebendars fhall be provided after the deceafs of the prefent poffeffors, but the rent to accrefce to the living of the Minifter, conforme to this aët, &c.

And becaus it is moft neceffar that the faids local ftipends be of a certain quantity, according to the nature of the ground, and out of certain fpecial lands moft eweft to the kirk, and commodious to the Minifter, that the Minifter may know of whom to crave his duetie: And feing it is impoffible to the Lords of Exchequer to know what lands to appoint for payment hereof, be reafon they know not, neither the names of the lands, nor valour of the teind fhaves of every particular toun and land within this realme: Therefore his Hienes, with advyce forfaids, ordaines, that every Prefbytrie within this realme, with advice of three Barons, or landed Gentlemen, who have their refidence within the faid Prefbytrie, of good religion, and leift participant of Kirk rents, chofin be advice of the General Affembly, and failling the concurrence of the faids Barrons, that

the said Presbyters be themselves shall have power to estimate reasonably the valour of tithes, both Personage and Vicarage, of every particular town, and lands laying within each one of the saids touns, and parishes of their Presbyteries, and of the commodiousness thereof to the sustentation of their Minister: which estimation shall be published upon two several Sundayes, in time of divine service, in the said parish kirks; with provision, that whatsoever party interested in any wise be the said estimation, and please to complain thereupon, shall have most summar remeed before the saids Lords of Exchequer, after summar cognition of the caus betwixt the said Presbytrie, and particular Minister of the parish kirk, and general Procurator of the Kirk, or others having interest on the one part, and the said partie compleaner on the other part.

Attour because the dilapidation of the rents of the Kirk has proceeded for the most part from the Kirkmen themselves, who had ower great liberty to sett such long tacks, and sewes, and for such dueties as they pleased; the solemnity of ordinar Chapters serving not to restrain the said dilapidation, for which they were first instituted, but rather to authorize the same; which Chapters for the most part be now worn out: Therefore, our Soverane Lord, with advice foresaid, statutes and ordaines, that no Minister or beneficed person shall have power to sett in tack, or to make any kind of disposition, alteration, or change in any wayes, the estate of the local stipends of the parishes, with whatsoever consent or solemnity; neither to sett new tacks, or to renew old tacks of whatsoever other tithes of his parish, or any part thereof, or make whatsoever disposition of the same in tyme coming, without consent of the whole or the most part of the Presbytrie, wherein the parish lyeth, [assembled] at the ordinary day of convening, after reasoning two former ordinar dayes, anent the equity of setting, renewing, or making of the said tacks and dispositions: And declares, that the converting of victuals or other dueties [in siluer,] shall be expresse diminution of the rentall, and a cause of nullity and reduction: And for eschewing of antedeating of tacks and rights of tithes [whatsoever], and of the infinit time for which the same was sett in tyme bypast, his Hienes, with advice foresaid, ordains, that all and whatsoever tacks of whatsoever tithes sett in any time preceding the date hereof, for whatsoever longer time of many nynteen years tacks, or lyfe rents successive, shall endure only for the space of nineteen years after the date of the said tack; with provision, that whatsoever nynteen year

tack, or life rent of tithes, which has not begun in the fetters tyme, shall be null and of none avail, albeit another nineteen year tack or life rent contained in the same tack, has begunne or run out in the said fetters time : and that all former tacks of tythes preceeding the date hereof, life rents, assignations, pensions, erections, fewes, and other dispositions of tithes, shall be produced before the Lords of Exchequer before the day of next to come, and registred in the books of the Collectorie : at the lest so much of the said erections and fewes to be registered, as containeth the rights of tithes contained therein ; and the date of the registration thereof, and the person ingiver of the saids tacks and other rights, to be registred therewith in like manner, and marked and subscribed be the Collectors Clerk, vpon the bak of the said tacks and rights, for eshewing of all frauds which may be herein ; with certification, that the tacks, and other rights of whatfomever tithes, not registred, as said is, shall be null, and make no faith in judgment nor without : and that the imprinting or publication of this act, shall be sufficient intimation hereof, and of the certification foresaid, without any other special letters, &c.

Moreover, becaus the Ministers and other beneficed or laick persons, having the rights of tithes of other mens heritage, oft times unjustly trouble both themselves and the lawfull possessors of the saids tithes, with inhibitions, and actions of spoilzie, whereby they compell them to hight their tithes above the reasonable valour : Therefore our Soverane Lord, with advice foresaid, declares and ordaines, that whatfomever person is lawfully in the natural possession of tithes be leading and intrometting therewith, the heritage or present right of possession of the land being his own, and makes good and thankfull payment, within dayes after ilk terme, of the duetie of the said tithes, conforme to the estimation above written, to be made be the Presbyteries forsaids to the Ministers and others having right to the said tithes ; in that case, the said person shall be free of all action of spoilzie and danger which may follow upon inhibition led against him thereanent : provyding alwayes, that whatfomever person committ any violence in ejecting another furth of the natural possession of leading of tithes, shall be subject either to the action of spulzie, or the quadruple of the estimation foresaid, at the option of the partie ejected, as said is. Like as also it is provyded, that quher the right both of the property, and present right of the actual possession of the land, and als of the tithes, concurre in one mans person, it shall be leasome to him to use inhibitions, and, conforme to the old order, apprehend posses-

sion of his own tithes, paying always the duetie and valuation thereof to the Minister, or others having right; in which case, the offer of the estimation foresaid shall be no relevant defence to rescind the natural possession of the tithes of another persons heritage; and to elhew the danger of spulzie in prejudice of him who has the right both of the lands and tithes, as said is, and in favour of him, who has not present right to the actual possession of another mans land, nor yet of the tithes thereof. &c.

Attour, be reason that the said patrimony of the Kirk should also sustain and uphold schools and poor, with common affairs of the Kirk, and other godly uses: Therefore our Sovereign Lord, with advice foresaid, statutes and ordains, that a perfect rental be made of the superplus of the rents of every parish kirk, by and attour the foresaid local stipends, containing the rights, be the which the superplus of every benefice is possessed; and that the Minister, albeit he be provided in title to the whole benefice, and have the collection of the whole fruits thereof, and liberty to reduce tacks and sewes, as any other beneficed person might have done of before; yet the said Ministers shall not have the free disposition of the said superplus to their own use, but shall be comptable therefor to them who shall obtain the right thereof: and in case of their failzie in thankfull payment, or committ violence, they shall be subject to the danger of spulzies double or quadruple of the estimation foresaid, sic like as others that make not payment thankfully to the said Ministers themselves, conforme to the former article.

And as for the superplus of the rent of every particular parish kirk, by and attour the local and perpetual stipend appointed for the Minister, which superplus either presently pertaineth to the Kirk be vauking of the benefice or vtherwayes, or shall hereafter pertain, or fall in the Kirks hands, be expyring or reduction of tacks and other rights, decease of the present possessors, or otherways whatsoever, our Soverane Lord, with advice foresaid, ordaines and statutes, that the said superplus shall be disposed be the advice of the Lords of Exchequer, and brethren of the Ministry appointed for modification of Ministers stipends; first, to the Colledges, and Lords of Session, and old possessors of the benefices, induring their life times, for so much as shall be tane from them be the present order; next, that the common affaires of the Kirk be sufficiently sustained thereupon; thirdly, that reasonable consideration be had of the poor, strangers, widowes, and orphans; reparation of bridges, kirks, hof-

pitals, and other godly works : And if there be any rest, the same shall be collected, and kepted to the use of the Kirk, and at their disposition allenerly. And whatfomever particular person, Colledge, or other shall obtain assignation of any part of the superplus be the saids Lords and modifiers, their said assignation and letters thereupon shall be specially in quantity, and out of what touns and lands the same is assigned ; and the said letters shall be specially directed against the tennents and actual possessors of the said particular lands, and the Minister of the parish allanerly, so that no letters in time coming be directed generally against all and sundrie the parochiners, &c. ; and of the best and readiest of the fruits where the right whereupon the letters pass extends only to a part of the fruits, and not to the whole fruits of the paroich, as was of before, which was the occasion of great confusion.

And becaus the Prelacies in effect were before dissolved, the whole temporalities thereof being annexed to the Crown, and Ministers stipends ordained to be tane out of the parish kirks united and incorporated therewith ; lyke as be this order the whole spiritualitie and tithes are of new destinated, given and mortified to the Kirk, whereby the saids Prelacies are all utterly dissolved, and so ceas in time coming to be one of our Estates in Parliament : Therefore our Soverane Lord, with advyce foresaid, statutes and ordains, that in time coming every Presbytrie shall send, of their own number, a Commissioner to the Parliament, out of the which whole number of Commissioners the rest of the Estates shall choise so many as, being joyned with the old possessors of the Prelacies, who shall be present for the time, may make out the full and compleat number of them who have vote in Parliament for the estate of the Kirk, which number shall be equal with the number of any of the other Estates. And after the decease of the whole present possessors of Prelacies, the whole number of the Kirks Estate shall be elected, and tane of the said Commissioners of the Presbyteries, who shall have such vote, priveledges and liberties in Parliament, as the said Prelats had of before, &c.

And to the effect that the rights of no parties be further prejudged, our Soverane Lord, with advice foresaid, ratifieth all acts and statutes made of before in favour of the Kirk, in so far as the same agrees, or may in any wise fortify this present act ; and specially the act of Secret Counsell, Session, and Exchequer, upon the 14 of Februar 1587 : And in like manner, all acts and statutes made in favour of fewes, tacks, patronages, pensions,

erections and other dispositions of the kirk rents, in so far as they are not contrair or any ways repugnant to this present act, or full execution thereof: Which acts, together with all and whatsoever rights pertaining to privat persons and parties, such as fewes, provilion of their benefices, erections, tacks, lyfe rents, pensions, patronages, allignations, and dispositions whatsoever of the tithes, shall stand in the same force as of before the making of these presents, excepting plainly in so far as they are expressly prejudged be the said local stipend to be appointed to every particular parish, conform to the tenor of this present Act, and Book of particular modification to follow thereupon, and other provilions and restrictions expressly contained herein. Lyke as our Soverane Lord, with advice foresaid, abrogateth all former lawes, acts, constitutions, practicks, and ordinances whatsoever, which may in any wise hinder, stop, or impede this present act and full force and execution thereof: and declares whatsoever shall be done in the contrair thereof, or any part of it, the failie and contravention shall be tryed; and the right disposition or other deed whatsoever, done contrair to the tenor hereof, shall be reduced and annulled, als well by way of exception, reply, or duply, as by way of action. Lyke as our Sovereign Lord, with advice foresaid, commands, that no Judge remitt to an action, or delay the proponer of the said nullities by way of exception, reply, or duply, but proceed instantly to the tryall of the said nullities, as said is.

Attour, becaus there are divers and fundry persons who presently bruike the rents of every parish kirk, our Soverane Lord, with advice foresaid, ordaines, that the quantity of the local and perpetual stipends should be equally tane from every one of the saids persons proportionally, at the lest every one to relieve others proportionally, according to the free profit which they receive of the saids tithes, at the discretion and summar cognition of the said Modifiers, who shall be only Judges herein, and shall try, judge, and cognosce summarly upon the equity of the relief betwixt the possessors of the saids tithes, such as where there is a Prelat, or old provided man, ane, or moe tacksmen or pensioners, new erected Lordships, with tithes included, with the fewes of lands, fewes of fermes, and whatsoever other variety there is of rights, be the which the possessor of the tythes of every parish respectivé bruiketh the same: and what relief the rest ought to make them, from whom immediatly the rights of the tithes are tane, which shall be assigned for the perpetual local

stipend of every parish kirk; wherein also shall be considered the right which our Soverane Lord had to the thrids or any other parts of the benefices, together with such other actions, for the which his Majestie might have charged the possessors of the said tithes. Like as also the saids Lords of Exchequer, in making of the said relief, shall consider immunities, privileges, and rights, which parties had of before, and validitie thereof, with all other circumstances *ex æquo et bono*. And for this effect, our Soveran Lord, with advice foresaid, giveth power to the said Lords of Exchequer, and Ministers specially to be appointed, be his Hienes Commillion, being always equal in number with the saids Lords, to interpret all obscurities, and to decide summarly all controversies, which shall arise upon this present act, and upon the foresaid relief, betwixt all parties subject thereto. C. & Melvills Diary.]

A. D. M.D.XCVI.

The Generall Assemblie haldin at Perth, the first day of Marche 1596, [the last of Februar: C.] Quher ther conveyit the Commissioners from all Presbyteries, according to his Majesties mislike.

Sessio 1^a.

Exhortatioun ther was none.

Anent the supplicatioun given in be Mr Thomas Nicolfone, Advocat, bearing that in respect he was admittit to be Clerk of the Generall Assemblie, in place of vmquhile Mr James Riche, last Clerk therof, be sevin of the Commissioners deput be the last Generall Assemblie, to intreat and conclude in the affaires of the Kirk, quhilk sould fall out [and intervene] betuixt and the nixt Generall Assembly, that, therfor, the Assemblie now conveyit wald admitt the said Thomas to the said office, and corroborat his admissioun with thair authoritie: The brethren conveyit, all in ane voyce, hes creatit and admittit the said Thomas de novo, and electit him to be Clerk of the Kirk, with power to him to vse and exerce the same, and all priueledges belonging therto, as frielie as any Clerk might have done at any time bygane.

Sessio 2^a. 2 Martij.

Anent the commissioun direct be his Majestie to Sir Johne Cockburne of Ormessoun, Knyght, Justice Clerk, and Mr Edward Bruce, Commendatour of Kinlos, with all expeditioun, to repaire to the Commissioners of the Presbyteries of the Kirk presentlie convenit within the Kirk of Perth, and to inquire of them if they be ane lawful Generall Assemblie of the Kirk, and hes sufficient power of themselves to give ansuer, treat and conclude vpon such things as are to be proponit and intreattit in this present Conventioun, according to his Majesties warrand and missive direct to them be his Hienes to that effect, and to report thair ansuer, in wryte, theranent. The brethren present, after long reasoning and conference had anent the premisses, thinks that thair meiting is ane laifull Generall extraordinar Assemblie, be reason of his Majesties letter direct to the Presbitries and Provincials to that effect, and the Presbitries and Provincials commissioun given to meitt in the towne of Perth : and therfor are willing to heir quhat his Majestie will propone ; and to treat, conclude, and give ansuer theranent, conforme to the commissiouns with the quhilk they are authorizit be the Presbitries and Synodalls.

Sessio 3^a. 2 Martij.

The Commissioners deput be his Majestie proponit certaine heids and articles to the brethren to be resolvit and concludit in the present Assemblie, quherof the tenour followis :

Sen the quyetnes of the Kirk, and frieing of the fame of slander, quhilk vpon the contrair effects wald necessarily follow, is the cheife butt and end, quherat his Majestie shoots in the conveying and halding of this present Assemblie : Therfor, for eschewing of fashious and langsome disputatiouns, quhervpon diverse vncomely contraverfies and debaits might arise, his Majestie hes thocht good to remitt the decisioun of a great number of the printed questions to a better opportunitie, to be reasonit in the meane tyme be sick as salbe authorizit be commissioun to that effect ; and for the present fall content himselfe with the decisioun of thir few articles follow-

ing, having made choise of nane bot lick as necessitie of tyme could not permitt to be delayit, without great harme and slander to follow.

1. That it be not thocht vnlawfull neither to the Prince nor any vther of the Pastours any tyme heirafter, to move doubts, reason, or crave reformation in any points of the externall policie and government or discipline of the Kirk, that are not essentiallie concerning salvatioun, or is not answert affirmativé vel negativé be any expresse part of the Scriptures; provyding that it be done decenter, in ryght tyme and place, [animo] edificandi non tentandi.

2. That sen the civill and politick government of the country belongs always and allanerlie to the Kings office and his Counsellours, and is no wayes pertinent to the spirituall Ministrie of the Word, that no Minister fall at any tyme heirafter meddle with the matters of the Estate in the pulpit, or with any of his Majesties laws, statutes, or ordinances: Bot if any of the Ministrie fall think any of them hurtfull to the religioun, or contrair to the Word, they fall privately complaine thervpon to the King and his Counsell.

3. That it fall not be lafull to the Pastours to name any particular mens names in the pulpitt, or so viuelie to descryve them as may be equivalent with thair naming, except vpon the notoritie of a cryme; quhilk notoritie man only be defynit be the guiltie persons being fugitive for the tyme, or being fylit by ane assyse, or excommunicat for the same.

4. That every Minister, in his particular applicatioun, fall have only respect to the edificatioun of his awin flock and present auditour, without expatiating vpon vther discourtes no wayes pertinent for that congregation.

5. That everie particular Presbitrie salbe commandit to take diligent account of thair Pastours doctrine, and that he keip himselfe within the bounds of the premisses.

6. That summar excommunicatioun be allutterlie dischairgeit as inept, and that thrie lafull citatiouns, at least of auēt days interuall betuix every one of them, preceid the sentence.

7. That no Sessioun, Presbitrie, nor Synodall, vse thair censures vpon any bot them that are relident within the bounds committit to them; vtherwayes thair decreits and sentences to be null.

8. That all fumounds containe ane speciall cause and cryme; and nane super inquirendis to be fumound, quod est mere tyrannicum.

9. That no meiting nor conventioun be among the Pastours without his Majesties knowledge and consent; excepting alwayes thair ordinar Sessiouns, Presbitries, and Synods.

10. That in all the principall townes, Ministers be not chosin without the consent of thair awin flock and of his Majestie; and that ordour to be begun presentlie in the planting of Edinburgh.

11. That all matters concerning the rest of his Majesties questiouns be suspendit [unmedled with,] either in pulpitt or any vther judicators, quhill first all his Hienes questiouns be fullie decydit; and in speciall, that all matters importing slander come not in before them in the meane tyme, quherin his Majesties authoritie royall is hielie prejudgeit, bot only in causes that are meere ecclesiastick.

12. That fevin or aucht of discreit wyse Ministers be autorizit be commission, to reason vpon the rest of the questiouns, as opportunitie of tyme fall serve.

13. That they give commissioun to the Ministrie of the North to be at a point with Huntlie; and if he satisfie them, to absolve him.

And for the better answering of the saids articles, the Assemblie ordainit certaine brethren to be chosin out of every shyre presentlie conveynit, quho sould give thair advyce and overture vpon the saids articles proponit be his Majestie, and therafter report the same to the Assemblie: They are to say, Mrs John Monro, Alexander Dowglas, Peter Blackburne, Johne Strathachin, Alexander Forbes, James Nicolfone, Andro Lamb, Alexander Lindfay, William Cowper, Thomas Buchannan, James Melvill, Johne Spotiswood, Adame Colt, Thomas Storie, Andro Clayhills, Johne Knox, James Bryffoun, Patrick Sharp, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay.

Sessio 4^a.

[Answers to the Articles be the brethren appointed on the conference.

The brethren conveyned gave their advyce in the first article, That it is not expedient to make a law or act touching this, least a door should be opened to curious and turbulent spirits; otherwise they think it lawfull to

the King be himself or his Commissioners, to propound in a Generall Assembly whatsoever points he desires to be resolved in, or to be reformed in specie externi ordinis, seeing substantia externæ administrationis ecclesiasticæ est plenissime tradita in Sacris Literis : And as the Generall Assembly may accept of that from the King, so may the Generall Assembly doe anent any thing that is done be his Hienes in any Convention, meeting, or Assembly convened be him hereafter.

2. Their advice to second article is, That laws already made, hurtfull to religion, and prejudiciall to the liberty of the Word, be declared to be expired, as the same shall be particularly condescended upon ; and no laws be made hereafter touching religioun without advice and consent of the Kirk, who are declared to be the third Estate of the country : and that no act whatsoever be made contrary to the Word, the preaching whereof the Pastours have concrated to them ; which if it shall fall out (as God forbid) they think, that every Pastour, be advice of his Presbitrie, Synodall or General Assembly, should first complean and seek remedy of the same ; which remedy not being gotten, they should direct the force of the Word against the same with all liberty. And as concerning matters of Estate, the brethren desires the explaining of this point of the article.

3. No mans name should be expressed to his rebuke in pulpit, but where the fault is notorious and publick ; yet they esteeme Notoriety must be defined otherwayes than by being fugitive, and syled by Allife, or excommunicated : for contumacy after citation, publick commillion of murther, adultery, or the like, as was Bothwells coming to the Abay, the murder at Dunnybrissel, and many other of that sort, makes notoriety. As to the vive description, equivalent to the naming, it is hard to set a law therto, seeing a guilty person will apply to himself, howbeit the Preacher never thought of him.

4. No Pastor should use application, wherein he has not respect to the edification of his own flock, and the present auditors.

5. It is the duty of every Presbytrie to take account of every Pastors doctrine, that he keep himself within the bounds of the Word of God.

6. In the Generall Assembly holden at Montrose, it was ordained, That every Presbytrie should seek out the warrants of summar excommunication pro et contra, and produce the same to be considered in the next General Assembly ; and that decision might be taken therein, according to the Word of God. And seeing the Commissioners from Presbyteries at this present

have not brought with them the saids reasons, it is best to leave this matter to the ordinar General Assembly. In the meantime the act of Montrose to be kept.

7. The General Assembly has appointed every offender to be censured in the place where he offendeth; which they cannot goe by, nisi in causa communi.

8. Fiat.

9. This article is against the meeting of Pastors necessar, as visitation of kirks, admission of Ministers, concurrence of brethren on the most lawfull errand, as in taking up of feeds, resolving of questions, and such lyke: Therefore, beside their Sessions, Presbyteries, Synods Provincial and General, the brethren think all meetings, for discharge of their office, ought to be allowed.

10. This article is answered be an act of the General Assembly, which statutes, that the principal touns shall be planted with Ministers be advice of the General Assembly, at the which his Hienes Commissioners are, and should be present.

11. This article imports a discharge of many points of our Discipline, so as it cannot be presently answered.

They gave their advice be word to 12 and 13 articles. C.]

Sessio 5^a. 4 Martij.

The brethren convenit being desyrit be the Kings Commissioners, sent fra his Majestie to that effect, to repaire to the place quher his Hienes and Estates were presentlie sittand, to conferre anent the forsaids articles, they, at his Majesties desyre, resorted to the Counsell house; and ther, befor any farther reasoning, after his Majestie had discoursit vpon sick things as fould be proponit, protestit in maner as after followis:

Sir, Forfameikle as we are come hither to testifie to your Majestie our obedience, and to heir quhat falbe proponit be your Hienes to vs, with all reverence we protest, that this our meiting be not esteimit as thoch we made ourselves ane Assemblie with the Estates, or get dois submitt any matters ecclesiasticall, either concerning doctrine or discipline, to this Judicature:

But after we had conferrit and reasonit with your Majestie anent the articles proponit to vs, we must returne to the ordinary place of our Assemblie, ther to reason, vote, and resolve in all these points, according to the Word of God and a good conscience. And this our protestation we most humbly desire may be admittit and insert in your Majesties Bookis of Counsell, for eschewing of inconveniences that heirafter may rise.

The quhilk protestatioun was ratified and reiterat and confirmit be his Majestie ; and after lang reasoning vpon the saids articles, the brethren was dimittit.

[The answers as they were altered, and are extant registred in the 6th Session, here follow. C.]

Session 6^a 4 Martij.

Anent the Articles proponit be his Majestie to be resolvit and answerit be the Generall Assemblie, the brethren, after long conference and mature deliberatioun, concludes and answers to the same, in maner and forme as after followeth :

1. That it is lafull to his Majestie, be himselfe, or his Hienes Commisioners, or to the Pastours, to propone in a Generall Assemblie, quhatsoever [poynt] his Majestie or they desire to be resolvit or to be reformit in matters of externall government, alterable according to circumstances; provyding it be done in right tyme and place, animo edificandi, non tentandi.

2. The Assemblie ordaines that no Minister fall reprove his Majesties laws, statutes, acts, and ordinances, vnto the tyme that first he be advyce of his Presbitrie, Synodall or Generall Assemblies, complaine and seek remedy of the same from his Majestie, and report his Majesties answer, befor any farther proceeding.

3. No mans name shuld be exprest to his rebuik in pulpitt, except the fault be notorious and publick ; quhilk notorie is desynit, If the person be fugitive, convict be ane assyse, excommunicat, contumax after citation or lafull admonition ; nor get shuld any man be descryvit vivelie be any other circumstances except publick vices alwayes damnable.

4. The brethren finds that no person should use application, quherin he has not a cheife respect to the edifieing of his awin flock and present auditours.

5. The Assemblie ordaines every Presbitrie to take diligent accompt of the Pastours doctrine, and that he keip himselfe within the bounds of the Word.

6. The Assemblie superseids to answer to the 6 article to the next Assemblie; and, in the meane tyme, suspends all summar excommunication quhill the said Assemblie.

7. The 7 lykewayes is referrit to the next Assemblie.

8. Ordaines all summonds to containe a special cause and cryme, and that nane be summond super inquirendis.

9. No Conventiouns should be among the Pastours without his Majesties knowledge and consent, except alwayes thair Sessiouns, Presbitries, and Synods, thair meetings in visitation of kirks, admissioun and deprivation of Ministers, taking vp of feids, and sick vthers as hes not bein found fault be his Majestie.

10. In all principall townes, Ministers should not be chosin without the consent of thair awin flock and his Majestie.

11. All matters concerning his Majesties questiouns remanent salbe suspendit, not damned or rebuiked either in pulpitt or vthers thair Judicatures, quhill first all his Hienes questions be decydit in the next Generall Assemblie; and in speciall [no] matters importing slander fall come in before them in the mean tyme, quherin his Majesties autorite royall is [highly] prejudgeit, excepting only ecclesiasticall causes.

12. The Assemblie hes chosin and appointit certaine brethren with commissioun to intreat vpon the saids questiouns, and to report thair advyce and opinioun to the next Generall Assemblie; referring the tyme and place of conveying to his Majestie. The brethren appointit to that effect, as followis: Mrs James Nicolfoun, Johne Caldcleugh, Andro Clayhills, David Lindsay, Thomas Buchannan, James Melvill, Robert Wilkie, William Couper, Johne Couper, Thomas Bryffoun, Robert Rollock, Patrick Galloway, Johne Duncansone, Robert Hewie.

13. The Assemblie gives commissioun to the Ministrie of the Presbyteries of Murray and Aberdein to insist in conference with the Erle of Huntlie; and to that effect appoints Mrs Andro Milne, Andro Leich, Andro Lamb, George Gladstones and Johne Ramsay, to concurre and assist with them, and [ordaines them to] report thair answers to the conditiouns and articles given to them in commissioun for tryall of the said Erle.

Sessio 7^a. 5 Martii.

The Articles for the trial of the Erle of Huntlie.

First, That the said Erle, from the day of his compeirance befor the saids Commillioners, fall make his constant and ordinarie residence in Aberdein, that he may be instructit be hearing of the Word, and ordinary conference, indureing the tyme appointit for the same.

2. That he be weill informit with knowledge to condiscend on the principall grounds of religioun affirmativé, and the vntrueth of the errours contrair to the same; and that he be able to give a reason of his knowledge in some measure.

3. That he be brocht to a plaine acknowledging of the Kirk within this countrey, and professe himselfe adjoynit to the same, as ane obedient member therof, and be content to heare the Word, participat the sacraments, and obey the discipline of the Kirk, as the same is presentlie allowit be the Kings Majestie and Estates.

4. That he solemnlie promise, be word and wrytin band, to remove out of his house, companie, and haill bounds vnder his power, Jesuits, Preists, and excommunicat persons.

5. That he aggrie to sweare and subserve the Confessioun of Faith in presence of the haill Commillioners.

6. That he aggrie to satisfie the Kirk of Aberdeine, in most humble manner, for his apostasie, and ther renew the forsaid promises and bands in most solemne manner.

7. Anent the slaughter of the Erle of Murray, That he declare his greife and repentance for the same, and promise to make ane assythment to the pairtie, quhen the same may be convenientlie acceptit of, and vtter his forsaid repentance and greife therein, at the tyme of his publick satisfiactioun forsaid.

8. Forsameikle as be occasioun of service done to his Majestie in persewing the said Erle be force and ytherwayes, sundrie in these parts hes incurrit his displeasure and deadlie feid, that he be content to remove all these occasiouns with such convenient diligence as the saids Commillioners fall think expedient.

9. For declaratioun of his affald adjoyning with vs, that he be content at thairlichts, and advyce of his best disposed freinds, to provyde sufficient stipends for his kirks.

10. That he fall acknowledge his faults, quherfor he was [justly] excommunicat, and especially the burning of Dunibirslie, and [his] apostasie.

11. That he fall have ane ordinar Minister resident in his awin house continually :—

With power to them to conveyne the 22 day of March instant, or sooner if they can possiblie, and to conferre with the Erle of Huntlie, and resolve him of the Articles forsaids, and to report his mynd and resolutioun anent the same at the nixt Generall Assemblie, to be haldin at Dundie the 10 day of May nixt to come.

Anent the supplicatioun givin in be Dame Elizabeth Oliphant, Countes of Angus, making mentioun, That quher diverse and frequent futes hes bein made be herselfe and the remanent freinds of William, sometymes Erle of Angus, desyrand conference with certaine of the Ministrie, for his farther resolutioun in the heids of Christian Religioun, quhilk hes not tane so good ane effect as was lookit for, be reason of certaine impediments quhilk hes fallin out in the meanetyme ; requeisting, therfor, most earnestly to appoint certaine of the wisest brethren quher he maks his residence, to conferre and resolve him of the doubts that stayes [him] from imbraceing of the true and Christian Religioun publictly profest within this realme : The Assemblie ordaines the Ministrie of Angus and Mernes to conferre with the Erle of Angus anent sikk doubts as he wald be resolvit vpon ; and speciallie to conferre with him anent the Articles preceeding, quhervpon the Erle of Huntlie is ordainit to be tryed, exceptand only sikk as concernes the Erle of Murrays slaughter ; and to report his resolutioun in the premisses to the nixt Generall Assemblie.

Anent the offers givin in be Francis, sometymes Erle of Erroll, to the Generall Assemblie presentlie conveynit at Perth, beirand as followes :

Firft, I offer to abyde any just tryall of the alledgit traffiqueing against the religioun presentlie profest within this countrey, indureing my absence

off the countrey, and to make all sufficient purgation to your Wifdomes for the same.

Farther, I offer all possible securitie and catioun, in all tymes coming, nevir to traffique aganis the said religioun, and that neither the said religioun nor discipline therof fall anywayes be hindred be me, bot have the ordinar courfe in my bounds, as in vther parts of the countrey.

And to declare my willingnes to be refolvit in the said religioun, I am content to accept conference therin, and requyres the same at your Wifdomes, quho hes the power, that ye will appoint me or mae of your number indifferentlie, as they falbe requyrit of me in the parts quher I presentlie dwell, and hes the leasure or occasioun to resort quher I fall happin to be, to conferre with me vpon the haill contravertit heids, [that I may have instruction ;] and if I falbe thereby movit, that the haill number of that Synod quher my residence is, will take the paines to conveine and meit me at some competent place, to hear and testifie of me. Indureing the quhilk tyme of conference, I fall no wayes respect any Jesuit, Seminarie Priest, or excommunicat person.

And if it fall happin that I be refolvit in the heids of contraverlie, I fall vnfainedlie from my heart imbrace the said religioun, and make publick confessioun therof in tyme comeing, and fall make satisfactioun for my defectioun from the same, as falbe injoynit.

Lastlie, Desyris to be absolvit, or at least suspendit, from the sentence of excommunicatioun indureing the tyme of my conference ; so that none of my freinds that resorts to me, and may be fledable to me be thair counsell, either in the said conference or vthers my leifum affairs, be troublit be your censure therfor, bot may have your licence to have accesse to me, and I to them, in quhatsoever part of the countrey I fall resort ; lykeas I have obtaint his Majesties licence and charge to your Wifdomes to give me conference ; quhilk it may please you receive, and doe accordingly as ye wold give me argument of your good intentioun towards my conversion ; quherof I doubt not : and for the performing of the premisses fall find catioun and sovertie.

The Assemblie ordaines the Ministrie of Murray and Aberdeine, with the syve Ministers adjoynit to them, for conference with the Erle of Huntlie, to treat lykewayes with the [Erle of] Erroll anent the premisses, and to report to the next Generall Assemblie quhat resolution they find in him concerning the Articles conteinit in thair commissioun direct for the

tryall of the Erle of Huntlie; exceptand alwayes sikk articles as concerns the slaughter of the Erle of Murray.

Farther, The Assemblie ordaines these Commissioners grantit for conference with the saids Erles of Angus, Huntlie, and Erroll, to be extendit to the Lairds of Newtoun and Bonytoun, in case they offer themselves to satisfie the Kirk.

Attour, If it fall happin the said excommunicat persons, or any of them, to resort or repare to any vther part within this realme, the Generall Assemblie gives full power and commissioun to the Ministrie of the Presbitries quher they fall chance to resort, to treat and conferre with them anent the heids and articles above wrytin.

Anent the supplicatioun givin in be Mr Johne Rutherford, desyreing the proces of his deprivation led be the Presbitrie of Sanct Androes to be produceit, sein, and considderit be the Assemblie: The Assemblie ordaines the said Presbitrie to produce the said proces at the nixt Generall Assemblie, and ther to ansuer to the said Mr Johne his complaint givin in against them.

Certaine Petitiouns given in be the Ministrie presentlie conveyit, [to be presented] to the Kings Majestie.

It is humble craveit be this present Assemblie, that your Majestie, with advyce of the Estates presentlie conveyit, considdering how it hes pleased God to give a good successe to this present Conventioun, and that all things concludit herein tends to the peace and quyetnes of the hail Estate of this countrey, and the dissappointing of the expectatioun of the adversaries, will, with advyce forsaids, publish be opin proclamatioun the good successe of this present Conventioun, together with a declaratioun of your Majesties intentioun, vtterit be yourselfe at this tyme in presence of your Estates, declaring your good will to mantaine the true religioun presentlie profest within your countrey, the discipline adjoynit therto, and the Ministers to quhom the charge of the same is comittit; and to declare that your Majesties will is, that quhatsoever law, act, or proclamatioun hes bein made, prejudiciall to the same, falbe esteimit contrair to your Majesties meaning, and to have no force nor effect in no tyme heirafter; and that nane of your subiects pretend, be any colour therof, to trouble any of the saids

Ministers, but that they wilbe vnder your Majesties protection; and that he will esseime the contraveiners, troublers of your estate, and punish them accordinglie.

2. That all Papists, Jesuits, and excommunicats remaining within this country, be chargeit to passe all the same, betwixt and the first of May next to come, or els to satisfie the Kirk: and if they doe not the same befor the day appointit, that Sheriffs in shires, Provelts and Bailzies in townes, be commandit to apprehend and present them before his Majestie and Counsell, to be punished according to the law; and if they be negligent in apprehending them, that commilloun be givin to certaine most zealous and willing persons to doe the same.

3. That it may please your Majestie, according to your accustomit clemencie, to relaxe presentlie the Ministers of Edinburgh from the horne, and suffer them [peaceable] to returne and remaine within this realme; as also to releive and sett at freedome sick gentlemen and professors of religioun as now are vnder challenge, seeing your Majestie knowis that the love to religioun movit them to these things quherwith they are now burdenit.

4. That seeing that Edenburgh has that honour to be cheife burgh in this country, and that place quherin religioun, since the beginning, hes bein most flourishing, and now are both destitute of thair awin Ministers, and sicklyke callit, from tyme to tyme, before your Majestie, quhilk is no small greife to thair hearts, in respect that your Majestie knowes the greatest part of the haill towne are most willing to give your Majestie all obedience, and to hazard lyfe and substance for your Majesties standing, That it may please your Majestie favourablie to deale with them according to your accustomit gentlenes, that it may appeir that your Majestie is more inclynit to shew favour to men that meanes [uprightlie] to your Hienes then to Papists. We are movit to crave the same, that all your subiects may be a generall aggriement.

5. That it may please your Majestie, seeing Mr David Black hes obeyit sick things as was injoynit to him, to give him libertie to returne to his flock; and sicklyk to Mr John Welch and to Mr John Hewisone.

6. Because diverse complaints of hurting and mutilating of Ministers are givin in before vs, namely

We most humbly crave that your Majestie wald take some substantiall ordour for punishing the offenders in example of all ythers heirafter.

7. That proviſion be made for planting of kirks, and that the augmentatiouns and planting of new kirks, made in anno 1595, be allowit.

Follows his Majeſties Anſwers to the ſaid [Petitions and] Articles.

The firſt article is grantit in ſubſtance.

The ſecond is alſo grantit.

As to the third, [and firſt part thereof,] concerning the Miniſters of Edinburgh, They are ordained to be relaxit vpon caution to be found be them to the Juſtice Clerk, that they fall vnderly the law. As to the gentlemen for quhom the Aſſemblie makes requeiſt, His Majeſtie thinks good that they, be the mediation of thair freinds, be futers for themſelves.

And as to the fourth, touching the towne of Edinburgh, His Majeſtie mynds no wayes to trouble innocent men, bot ſick only as are guiltie, and mynds ſhortlie to be at point with them.

Twitching the invaſioun of the Miniſters, a Commiſſioun is [ordainit to be] directit for calling and puniſhing the offenders.

Concerning the laſt article, his Majeſtie ordaines the Treafurer, Mr James Elphingſtoun, the Clerk Register, Mr Johne Preſtoun, and Mr Edward Bruce, to take ordour, afweill for the planting of kirks, as with the augmentatiouns quhilk were grantit anno 1595.

[The Kings Preface to the reader before the printed Questions, declaring what was his intention in moving of so many questions anent the Discipline. The tenor whereof followeth.

To the Reader.

For as much as it is one of the principal points of the office of a Christian King to see God rightly honoured in his land ; for effectuating whereof it is necessar, that the Spiritual office bearers in the Kirk not only teach found doctrine, concerning the points of salvation ; but lykways observe a comely order in the Spiritual Policy agreeing with the Word of God, the loveable custome of the primitive Kirk, and with the lawes of the countrey, and nature of the people, for repressing the vices, whereto they are chiefly inclined, as best may serve to establish and maintain the purity of religion : Therefore it becomes every Christian King, as fathers, nourishers of the Kirk within their dominions, and revengers of the breaches of both the tables, to strengthen and assist, be the concurrence of their civil sword, the said Spiritual office bearers in the due execution of their calling : and, on the other part, to compell them to exercise faithfully their office, according to the rule prescribed to them be the Word of God ; not suffering them to transgress the limits thereof in any sort : Wee, therefore, having had due consideration hereof, and perceiving not only a great liberty used in application of the doctrine within our countrey, without any clear warrant of the Scripture as yet alledged, for proving of the same ; as also a great obscurity in divers points of Discipline and Policy of the Kirk ; novelties daily creeping in ; the lawful authorities and warrants thereof not being as yet made manifest ; have thought, comely following the loveable example of Christian Emperours of the primitive Kirk, to convene and assemble a National Council, as well of the Ministry, as of our Estates, and of all sorts of men of deepest learning and greatest sincerity in religion ; to be holden and to beginne to sit in our burgh of Perth the last of Februar next to

come ; gravely to treat, reason, consult, and determine, (according to the Word of God, as the only rule,) upon the clearing and distinguishing of the Spiritual Jurisdiction, as well in the application of doctrine, as in the whole Policie and Government of the House of God. And to the effect that all men may come the better prepared to the said Convention, being duely forewarned, and advised with the matters that then are to be traited on, Wee have thought good to set down certain Articles thereof, in form of Questions, as hereafter followeth ; taking God, the searcher of all hearts, to record, that our intention in this, is no wayes to trouble the rest and peace of the Kirk by thorny questions, or to claim any tyrannical and unlawful government over the same, but only to see all such troublesome questions solved at this tyme ; which, if they still remained in doubt, might, either in our time, or in the time of our successors, breed slanderous debates : and that the Policy of the Kirk be so cleared, as all corruptions may be weeded out of the same, and none suffered hereafter to creep in ; that thereby the glory of God may be advanced, all grounds of farther Questions betwixt us and the Ministry may be removed, and a pleasant harmony and mutual concurrence between us may be established, to the great comfort of all good men, and terrour of the wicked. C.]

[The Questionns proponed be the King, to be resolved at the Conventioun of the Estaits and Generall Assemblie, appointed to be at brouche of Perth, the last of Februar.

Q. 1. May nocht the maters of the externall gubernation of the Kirk be disputed, *salua fide et religione*.

Q. 2. Is it the King feueralie, or the pastorfeueralie, or bathe coniunctlie, that shoud establish the Actes anent the externall gouernment of the Kirk, or what is the form of thair coniunction to mak lawes.

Q. 3. Is nocht the consent of the maist part of the flock, and also of the Patron, necessar in the electioun of the Pastors.

Q. 4. Is it lafull for the Pastor to leaue his flock against thair willes, albeit he haue the consent of the Presbyterie ; and for what cause shoud the Presbyterie consent therto.

Q. 5. Is it lawfull for a Minister to vse farther applicatioun nor that quhilk may edifie his awin flock ; or is the haill warld the flock of euerie particular Pastor.

Q. 6. Is he a laifull Paftor, who wants *impositionem manuum*.

Q. 7. Is it laifull to Paftors to exprefs particular mens names, Counfallis, or Magiftrats in pulpit, or fo viulie to deferyue tham, that the peiple may vnderftand whom be they mein, without notorius declarit vices and priuat admonitions preceeding.

Q. 8. For quhilk vyces fould admonitiones and reprobuing of Magiftrats pas publictlie from pulpits in their abfence or prefence, refpectiué.

Q. 9. Is the application of doctrine in pulpits lauchfull quhilk is foundit vpon informationis, bruits, and rumors, fufpitions, conditions gif this be and that be, probabilities, liklines or vnliklines in things to come in ciuill maters, quhilk all may be fals, and confequentlie the doctrine following thervpon; or fould all applicatioun be vpon the veritie of knawin and notorius vyces.

Q. 10. Is the text, quhilk is read in the pulpits, the ground wherupon all the doctrine fould be buildit, or may all things be fpokin vpon all texts, fo that the reiding therof is bot a ceremonie.

Q. 11. May a fimple Paftor exerceife anie iurifdictioun but confent of the maift part of his particular felfioun.

Q. 12. Is nocht his felfioun iudge to his doctrine.

Q. 13. Sould nocht the Moderator of the Seflion be chofin yierlie of anie who has vot therin.

Q. 14. May the Seflioun be laifullie elected by Minifters onlie, but the confent of the haill congregatioun.

Q. 15. Why fould nocht Eldars and Deacones of ilk particular Seflioun be elected *ad vitam*.

Q. 16. How manie Presbyteries is meit to be in the haill countrie, in what places, and whow manie Paftors of Kirk in ilk Presbyterie.

Q. 17. Sould nocht the Eldars and Deacons of ilk particular Seflioun, haue vot in the Presbyteries, or the Paftors only.

Q. 18. What is the maters of the iurifdictioun of the Presbyterie, quhilk may nocht be intreated in particular Sefliouns.

Q. 19. What form of procefs in libelling and citation, termes and dyattes, probation and pronouncing of the fentence, fould be vlit befor the particular Sefliouns and Presbyteries refpectiué.

Q. 20. What maters fould the Synod intreat vpon, quhilk may nocht be decydit in the Presbyteries.

Q. 21. Sould nocht all wha hes vot in the Presbyteries, and als in the particular Sessions, have vot in the Synodall Assemblies.

Q. 22. Sould ilk Vniuersitie or ilk Collage, or ilk Master or Regent within ilk Collage, haue vot in the Presbyteries or Synodals in the towns or countries whar they ar; and sic lyk, what form of vot sould they haue in the Generall Assemblies.

Q. 23. Is it lesum to conuocat the Generall Assemblie by his Maiesties licence, he being pius et Christianus Magistratus.

Q. 24. Is it necessar that the Generall Assemblie be ordinar, or onlie extraordinarie conuened for waightie causses concerning the Kirk.

Q. 25. Hes nocht all men of guid lerning and religion vot in the Generall Assemblie.

Q. 26. Is ilk particular Pastor obleit to repear to the Generall Assemblie, or is it sufficient that onlie Commissioners com fra ilk particular Session, Presbyterie, or Synodall.

Q. 27. Wha sould chuse the Commissioners to cum fra ilk schyre to vot in the Generall Assemblie.

Q. 28. Quhat is the number of voters necessar to the lawfulness of the Generall Assemblie, and whow manie of the hail number sould be Pastors, and how manie vther men.

Q. 29. May anie thing be acted in the Assemblie to the quhilk his Maiestie consents nocht.

Q. 30. Is it nocht expedient that the twa part of them, wha has ius suffragii, sould consent to anie thing decernit in ecclesiasticall iudgment, that matters pas nocht be a vot ma or les.

Q. 31. Hes nocht ilk Iudgment inferior to the Generall Assemblie an territor limitat, outwith the quhilk they haue no powar of citation or iurisdiction.

Q. 32. What is the ordinar ecclesiasticall Iudgment to the discipline of his Maiesties household and Counfall, remouable with his Maiestie to anie part of the realme.

Q. 33. Sould thair be libellit precepts containing the cause of the citation and certificatioun of the censures befor all ecclesiasticall Iudgments, or onlie till answer super inquirendis.

Q. 34. Hes the inferior Iudgment powar to summond to compeir befor anie superior Iudgment, or sould men be summoned onlie be the authoritie of that Iudgment befor quhilk they sould compeir.

Q. 35. Is it nocht necessar that priuat admonitionnes, with reasonable interualles of tym, pas befor all maner of citationnes.

Q. 36. What interualles of tym is necessar betwix priuat admonitioun, and betwix the last admonition and the first citation, and betwix the citation and the day of compeirance befor ilk an of the said judgments.

Q. 37. Whow manie citationnes sould infer contumacie.

Q. 38. Is simple contumacie, but probation of a cryme, or is anie cryme but contumacie, sufficient cause of excommunication.

Q. 39. Is ther nocht diuers kynds of censures, sic as prohibitio priuati convictus, interdictio a comu, nocht published to the peiple; and last of all, publica traditio Satanae.

Q. 40. Sould the Presbyteries be iudges of all things that imports sklander; and gif sa be, wharof are they nocht iudges.

Q. 41. Can excommunication be vsed against theiffis, murderers, vsurars, or nocht peyars of thair dettes; and if sa it may be, why ar nocht all Bordour and Hieland theiffis curled; as als all the mantvering merchants and occurrars amongs the burrowes.

Q. 42. Is ther any appellation fra the inferiour to the superior iudgment; and is nocht the sentence suspendit during the appellation.

Q. 43. Sould nocht all procces and actes be extracted to parties haund interest.

Q. 44. Is summar excommunication lauchfull in anie cace, but admonitionnes and citationnes preceeding.

Q. 45. Hes anie vther nor the Pastors of the Kirk vott in excommunication.

Q. 46. Hes ilk ecclesiasticall Iudgment a lik power to excommunicat.

Q. 47. Is it lawfull till excommunicat sik Papists as professit neuer our religion.

Q. 48. A woman being excommunicat, hauing a faithfull housband thereafter, sould he abstain from hir companie.

Q. 49. Is it nocht reasonable, that befor anie letters of horning be granted be the Sellion vpon the procces of excommunication, that the partie sould be summoned to heir tham granted.

Q. 50. Hes nocht a Christian King power to annull an notorius iniust sentence of excommunication.

Q. 51. May anie Counsall or Vniuersitie be excommunicat, for what cause, whom be, and maner therof.

Q. 52. When the Pastors does nocht thair dewtie, or when a iurisdiction vsurpes aboue an vther, or anie vther schifine falles out, fould nocht a Christian King mend sic disorders.

Q. 53. May fastes, for generall causes, be proclamed be a Christian Prince command.

Q. 54. May onie ecclesiasticall Iudgment compell a man to sweare in suam turpitudinem.

Q. 55. Sould ther onie thing be intreated in the ecclesiasticall Iudgment, preiudiciall to the ciuill iurisdiction or priuat mens rights; and may nocht the ciuill Magistrat lauchfullie stay all sic proceedings. [C. & Melvill's Diary.]

[Instructions givin be the Synod of the Prouince of Fyff to the Commissioners, to be chosine by euerie Presbyterie within the said Synod, to go to the Conuentioun appointed be his Maiestie at Perth: The quhilk the said Synod ordeanit tham and euerie an of tham preceisslie to keipe.

First, Yie fall schaw that yie are com for obedience to his Maiestie, and nocht for that yie acknowlage that to be a lawfull Generall Assemblie, be reasone it was nocht appointed be the last Generall, nor convocat be the advys of the Commissioners of the last Generall Assemblie, as hes bein the practife of the Kirk at all tymes befor within this realme, warranted be the Word of God and lawes of the countrey.

Item, Yie fall schaw that yie may nocht condifend in anie wayes to the reasoning or putting in questioun the maters of the Polecie of the Kirk; because the Generall Kirk of this realme, to quhilk yie ar subiect, hes alreadie determined the saming; quhilk determinatioun yie haue also subferyvit vnto, and nan may call the sam in dout, and put tham in reasoning, but a Generall Assemblie: Therfor yie fall defyre his Maiestie, in all humilitie, for continuation of the reasoning to the ordinar assigned Generall Assemblie, to be haldin at Sanct Androus the xxvj of Apryll nixtocome.

Item, Gif na continuatioun can be obtained, and yie ar vrged to procede, yie fall protest for the liberties of the Kirk, and planlie disaffenting, keipe yourselffs frie of euerie thing that falbe done theranent.

Item, Because the Conuentioun is appointed be his Maiestie onlie for the

questionnes, yie fall nocht mell in anie maner of way withe the receaving of Hountlie or vther excommunicats, or anie vther thing remitted from Synodall, or Presbyteries, or properlie belonging to a Generall Assemblie.

Item, In cais the brethring amang thamselues, or his Maiestie, or anie of his Counfall, enter in reasoning with yow, or anie of yow in privat, that ye hauld fast be thir generall grounds.

1. That the haill externall government of the Kirk mon be tean out of the Word of God.

2. That the ordinar Pastors and Doctors of the Kirk mon sehaw the will of God out of his Word; and that onlie to be followed.

3. That the Pastors and Doctors of the Kirk of Scotland hes, with lang and graue deliberatioun, sett down and constitut the haill externall discipline and government of the Kirk; according to the quhilk it hes bein thir manie yeirs sa happelie governit and rewlit, that na heresie, schisme, or dissentioun hes haid place therin vnto this houre; and that ther is nan beiring office in the Kirk, who calles the sam in dout. It wald, therfor, pleis his Maiestie nocht to suffer the rair and maist peaceable and decent constitutioun therof to be disturbit be exagitating of fruietles questionnes, namlie at this tyme, quhen Papists preassies, be that mean of disputatioun namlie, to brangle and pervert all.

Item, Yie fall trauell with the Ministers, Barronnes, and Noblemen, that fall happin thair to be conveinit, that an vniform supplicatioun may be maid and giffen in for restoring of the Ministers of Edinburche, and Mr David Blak again to thair flockes; and behave yourselves heirin, in the feir of God and loue of Chryst and his kingdom, faithfullie and providentlie, with all dewtifull reuerence to the Kings Maiestie. [C. & Melvill's Diary.]

[The Presbytrie of Edinburgh being in jealousy lykways of the Kings proceedings, limited their Commissioners in forme, as followeth.

The form of Commillion givin to the Commissioners of the Presbytrie of Edinburgh.

For as much as his Majestie has appointed a Generall Assemblie of the Ministry to convene at Perth, the last of Februar instant; and to that effect, his Hienes has directed letters missives to divers Presbyteries within this realme; and among others to the brethren of the Presbytrie of Edinburgh, willing and desiring them to address two or three of the wisest and most

discreet brethren of their number to the said Assembly, against the said day and place, instructed with commission, and their best advyce and opinion in matters touching the Policy of the Kirk, as the same bears: The brethren, therefore, of the said Presbytrie, to witness their humble obedience to his Majestie as to their Sovereign, have directed, lykeas be these presents direct, their well beloved Mr David Lindsay, Mr Patrick Galloway, John Duncanson, Ministers, with power to them to convene and assemble themselves with the Commissioners of other Presbyteries, that shall happen there to be convened, to hear and see what shall be proponed anent the treating of the difference of the Civil and Ecclesiastical Judgements, and matters concerning the Policy of the Kirk, and external government thereof, and to report to them; but no wise to proceed in reasoning, voting, or concluding any thing, which may be prejudicial to the Constitutions of the General Kirk, anent the said matters; and to deal therein according to the instructions given in write, and no otherwise. To all which wee give the brethren foresaid our power and commission, promising to hold firm and stable &c.

Subscribed be the Clerk of the Presbytrie.

Instructions to the Brethren.

1. Ye shall shew, that ye are come for obedience to his Majestie, and not for that ye acknowledge this to be a lawfull Assembly, be reason it is not appointed be the last General, nor convened be the Commissioners of the last General Assembly, as has been the practise of the Kirk, at all tymes before, in this country.

2. Ye shall shew, that ye may not condescend any way to the reasoning of the matters of the Policy, because the General Assembly, to which ye are subject, has already determined the same; which determinations ye have also subscribed unto; and none may call the same in doubt, or put them in reasoning, but the General itself: Therefore ye shall desire his Majestie, in all humility, for a continuation of the reasoning till the ordinary Assembly, which is to be in Sanct Andrews, in the month of Aprile next to come.

3. If no continuation can be had, and ye be urged to proceed, ye shall protest for the liberties of the Kirk, and keep yourselves always free of every thing, that shall be done thereanent.

4. Because this Assembly is convened by his Majesty, only for their differences, ye shall not meddle in any manner with Hunties receiving, or any other thing properly pertaining to the General.

5. Last, Ye shall travel with the Ministrie, Barons, and Noblemen, that shall happen there to be convened, that an uniforme supplication may be made for restoring the Ministers of Edinburgh to their flocks; and to behave yourselves herein prudently, as accords. C.]

[Upon the 27 of Aprile, Mr Robert Pont, Moderator of the last Generall Affembly ordinar, went to Sanct Andrews of purpose to keep the dyet appointed be the last Generall. Few or none conveened, but some few Commiffioners out of Lothian, Perth, Stirline, and out of the Synod of Fife. They conveened in the New College School, the place appointed for the said Affembly. After in calling on the name of God, and humble confession of the fins which had procured that defolation, craved mercy, and fenced the Affembly. Notes and documents of protestation were taken for the liberty of the Kirk. All fummonds, references, appellations were continued till the Affembly following. The exhortation of the Moderator was lykeways continued to that day. C.]

A. D. M D.XCVII.

The Generall Affemblic, halden at Dundie the 10 day of May 1597,
in the Litle Kirk.

Sessio 1^a.

Exhortation beand made be Mr Robert Pont, laft Moderatour, the brethren appointit on the leits Mrs Nicoll Dalglish, James Melvill, Patrick Simfone, Patrick Sharp, Thomas Buchannan, Johne Porterfeild, Robert Rollock, James Balfour, David Fergusone, and David Lindfay : be pluralitie of vottis Mr Robert Rollock was elected Moderatour hac vice.

Sessio 2^a.

Mr Thomas Nicolfone, and Johne Williamfone, Writer, beand put on leits for the Clerkship, vaikand be the deceis of Mr James Ritchie ; be pluralitie of votis, Mr Thomas Nicolfone, Advocat, was chofin, sworne, and admittit.

Sessio 3^a.

[Also it was ordainit, That at the penning of every Act, there should be certain discreit and wife brethren, with the Clerk, to see the Acts formed ;

of which number were Mr James Melvil and Mr James Nicolson ; but when Mr James Melvil came to attend, they were commanded to come to the King with the minuts : So he got not access again.

It was also ordained, That all the Acts should be read in audience of the haill Assemblée, before the dissolving of the same ; and thereafter to be inbookit and registrat. C. & B.]

[It was shewed to the Assembly, how the Kings Articles past at Sanct Johnstoun ; but no remedy : Howbeit, a great number of the sincerest fort did their part honestly.

Mr John Davidsons letter to the Assembly was read in the third Session, the copy whereof followeth.

Gal. 5. Stand fast therefore in that liberty wherewith Christ has made us free ; and be not intangled again with the yock of bondage.

As infirmity of body hindered my presence from this Assembly, (Reverend and loving brethren,) so straitness of time suffereth me not to supply my absence be writt, as I would : yet seeing duty craved somewhat in this case, at so necessary a tyme, I abridged a few things to call to your godly remembrance ; beseeeking you all to take them in good part, as they come of a loving mind to Christs cause and weale to his Kirk. It is not unknown to you, (dear brethren,) that the unity and the liberty in the sincerity of doctrine, has been, and is to this day, the rose garland of the Kirk of Scotland ; and that the preservation of this unity and liberty in doctrine, come of the agreement in the liberty of the execution of discipline, which has been the hedge and bulwark, as it were, to the doctrine hitherto : Therefore the invasion of the freedom of discipline cannot be without ensueing danger to the liberty and unity of doctrine, no more than Edinburgh can be long free of fear of perrill, if invasion of the borders be not resisted at the borders. And it may well be thought, that the preservation of the liberty and unity in discipline, was faved be the wise wearing off thornie questions thereanent, by wise foresight of our worthie fathers and brethren, who ranged the questions in the General Assembly to allow the tyme and place therof, that the heat therof should not burst out at the beginning, and so disturb the whole action. Besides this, these questions

were limited to come by degrees from other inferior Assemblies, who were not able to solve them; and not to break in at the broad side. And last, if they were questions of weight, they were remitted from one Assembly, to be ripely advised on by the brethren, to the next Assembly, for avoiding of contention and rash conclusions. Which good custome, if it had not been kept, our liberty and unity could not have stood, as two loving sisters, to this day; for where questions get over great liberty, godly edifying is excluded, as miserable experience teacheth among the Popish schoolmen. They breed strife, as the Apostle writes; and the beginning of strife is, as one that openeth waters: wherefor, ere contention beginne, let us leave of, as Solomon saith. Neither is it about mere externall things, or alterable, as men speak, that the chief question is now a day; howbeit, questions, even in these matters, as is said, are warrilie to be admitted; for as that ancient Father gives out, *Facilius est constituta labefactare, quam labefactata in pristinum statum reducere*: But it is about a substantiall part of doctrine, to wit, rebuke of vice, and that manifest, open, and obstinat vice, that groweth to such great light, as it would be licentiat be lawes, with imprisonment and bondage of the liberty of the truth, as all that are not wilfully blind, may easily see; for the which truth, and liberty therof, wee are bound to strive: Therefore, let us stand fast in that liberty, wherewith Christ, in that case, has made us free above all nations; and let us not agree with men in these things, *quæ concordiam prorsus excludunt. Nefarie quidem impieque concordēs erant, qui turrim extruebant. Nanzianzenus.* And let libido novandi circa ecclesiam be far, at the lest, from ourselves of the Ministry; as in sense the same Author hath. Many things hath our Kirk need of at this time, meeter to be handled, than such questions. Neither has our Prince, (God be praised,) occasion to convene us, for making agreement and concord among us, as the good Emperours had. And as for things to be reformed for the well of the Kirk, I hear no word of them. I pray, Satan's drift be not to break our agreement, that hath stood so long in Christ: For it is delivered be an ancient Father in this sense, *Nam tyranni Ecclesiam infectando, firmiorem etiam ipsam reddiderunt, &c. Quod cum veripellis ille animadvertisset, aliam fraudem excogitavit, inimicitiasque et funesta discidia inter duces (Antalites) ipsos excitavit.* And Basil giving the cause of this plague, writeth in this sense, *Dissentio multorum contra multos ex eo contingit, quod indignos nos ipsos gubernatione et moderamine Domini constituimus.* Wherefor, brethren, let us stand fast in our Christian

liberty and unity, et absit, ut inter nos tristi contentione (as one writes) decertemus. But if the tyme be come, that the sentence of the Apostle is to be performed, Oportet enim, etiam hærefes inter vos esse, we doubt not but, Qui probati sunt, manifesti fient inter nos. And if any act shall pass (as God forbid) in contraire anie jote of your Christian liberty, agreeable to Gods word, and the laws of the realme, I, in my own name, and the rest of Chrysts faithfull Messengers within this realm, will stand, be Gods grace, to the protestation made verbally be me, in his Majesties presence, at the last General Asseembly holden at Edinburgh: for it will not be the new cords of the Philistins, that will keep Sampson bound. Howbeit Moses would not leave behind him ne ungulam quidem, he was not for that a shismatick. And Elias was no troubler of Israel. Haec, *θρασιως μεν ισως και αμαθως.* Yet I trust the good brethren will take my simple meaning in good part. Farewell, good brethren: and the good Spirit of the Lord be president among yow. Amen. From Saltprestoun, the 8th of May 1597.

Your loving brother in Christ,

JOHN DAVIDSON.

My simple advice is, if any grant of absolving from excommunication be made, as I know no cause yet why; yet if others know, that they get annum probationis enjoyned to them before they be admitted to Court, or have access to sit at the helme: for though they have Jacobs voice, yet I fear, Esau's hands. But it is objected, that this matter will be troublesome to us, if we stand to it: Answer, It is a new doctrine to say, That Christians be without a crosse.

Sessio 4^a.

Anent the supplicatioun givin in be the Laird of Wachtoun, and Glen-nagies, desyrand a command to be givin to Mr William Murray, Minister at Dyfert, to sett in tak and assedatioun to them or thair tennents thair teyndes of thair awin lands, lyand within the parochin of Dyfert; or els, for eschewing of farder danger, to retaine the faids teinds in his awin hand: The Asseembly ordaines the said Mr William to retaine the faids

teinds in his awin hand ; discharging him of all setting of the same to any person quhatsumevir, vnder the paines conteinit in the acts of the Generall Assemblie.

Anent the supplicatioun givin in be the Presbytrie of Dumbartan, desyrand, in respect of the fewnes of thair number, that certaine of the Presbytrie of Paislay might be adjoynit to them, to the effect they might be the more able to awaite vpon the commoun affaires, pertaining to the glory of God and weill of the Kirk : The Assemblie ordaines a commissioun to be direct for visitatioun of the hail Presbyteries within the bounds of Cliddaill, Ranfrew, and Lennox, with power to them to consider how many Presbyteries salbe necessar within the saids bounds, and to sett downe a solid ordour theranent.

Anent the complaint givin in be the Presbytrie of Brechin aganis Mr Dowgall Campbell, Minister of Fernewell, for his obstinacie in refusing to pronounce the sentence of excommunication aganis Patrick Butter at command of the said Presbytrie, he being Moderatour thereof for the tyme ; for the quhilk they had suspensit him from preiching the Word vnto this Assemblie : The Generall Assemblie ratifies and allowes the said suspenssioun.

Sessio 6^a.

The brethren of the Presbyteries of Murray, Aberdeen, and Mernes, with the vther brethren joynit with them in commissioun joyntlie, respectivé appointit be the last Generall Assemblie haldin at Perth, for tryall of the obedience of the Erles of Angus, Huntlie, and Erroll, to the particular injunctiouns sett downe be the said Assemblie, and injoinit to them for declaratioun of thair repentance, being desyrit be the Generall Assemblie to report what resolutioun they fand in the saids Lords, touching sick articles and conditionis as were sett downe in the said commissioun, They being present befor the hail Assemblie testified and declared, that they fand them obedient and willing to satisfie in all humble manner, and persevering and continuing in thair earnest sute for reconciliation with the Kirk : And as concerning the saids articles and conditionis, quhervpon the saids Commissioners were ordainit to have tryed and resolvit them, the saids Commissioners, every ane for thair awin parts respectivé, produceit the said ar-

ticles and conditiouns, with full anfuers to every ane of them particularlie fubfequent made be the faids Lords, offering to acquiefce to the faids conditiouns, and to fulfill the fame : And for more declaratioun of thair confents therto, the faids articles and anfuers therto particularly following every ane of them were fubfcriyvit feverally be the faids Lords, in figne and token of thair embraceing therof, as followes :

The Erle of Huntlies anfuers to the Articles.

The firft is obeyit : For he compeirit [at Aberdeen] the 22 of Marche appointit to him, and ther abode, [waiting] on doctrine and conference, till the Commiffioners were fatisfied with his refolutioun ; and fo the conference endit.

2. The brethren appointit to deale with him, brocht him, after lang conference, to confefse [the verity of] the haill grounds of religioun affirmativé ; refolvit his doubts be the Word of God ; and moveit him with knowledge to refufe and deteft all heids of Papiftrie contrair to the fame.

3. He acknowledges the Reformit Kirk of Scotland to be the true Kirk : he is ready to joyne himfelfe efaldlie therto, acknowledging himfelfe a member therof, fubmitting himfelfe to the fame ; will heare the Word, and obey the fame be the grace of God ; participat the facraments ; and obey the haill difcipline [of the Kirk,] as it is allowit be the Kings Majeftie and Eftates.

4. He is readie to fweare and fubfcribe the Confefsioun of Faith in preſence of the haill Commiffioners, fo ſoone as they ſhall come back with power to pronounce his abſolutioun.

5. In ſignificatioun of his obedience to the articles, he hes declarit to the haill commiffioners, that ſen he entrit in dealing with the Kirk, he never intercommunit be word or wryte with any Jeſuite, Prieſt, or excommunicat Papift, except ſo many as are vnder conference with the Kirk ; and is content to abyde thereat in all tymes coming : Sicklyke he is content to give his wrytin band, that he ſhall banifch and expell out of his [company and] haill bounds all Jeſuites and Seminarie Priefts, and ſhall expell therefrom all excommunicat Papifts, except ſuch as ſhall have licence from the Kirk and Kings Majeſtie : and, finallie, that none ſhall have recept be his

knowledge, in the places of his commandement, that are profest enemies to the religioun.

6. He is content now, or heirafter, to satisfie for his apostasie, in the place appointit, at the discretioun of the saids Commissioners; and then to ratifie the forsaids premisses.

7. He declares his vnfained greife for the slaughter of the Erle of Murray, and will satisfie the partie at the pleasure of the Kings Majestie, the Kirk, or of godlie and indifferent freinds, will make offers to that effect; lykeas he hes given a blank to his Majestie to be fillit vp with particular assythment, and that after his absolutioun.

8. He promises now, or heirafter, to crave of God mercie for the said slaughter, quhen, quher, or how the Kirks Commissioners shall appoint.

9. At the desyre of the saids Commissioners, he presentlie remitts all rancour and malice conceivit be him, for any occasioun or deid offerit to him be the countrey men in the Kings service; and promitts, vpon his fidelitie, nevir to quarrell any for the same that are within thir bounds, and speciallie none of the Ministrie either north or south.

10. He aggries, that at the sight of the Ministers Mrs David Cunighame, Alexander Dowglafs, George Glaidstances, and of his freinds Pitlurge, Clunie
shall sett downe ane ordour for provisioun of his kirks, quhilk he promises to execute immediatlie after his absolutioun.

11. Be advyce of the saids Commissioners, he promitts to take a Minister, and intertaine him in his awin housie.

12. He confesses, that be his publick offences he gave sufficient matter to the Kirk to have deduceit the sentence of excommunicatioun aganis him.

Sic subscribitur,

HUNTLIE.

The Erle of Errolls anfuers to the Articles.

1. The first is obeyit: For he having sufficientlie excuseit his absence fra the first dyett, the 27 of Marche, came to Aberdein, the fyft of Aprile, quher the Commissioners appointit him to resort to Aberdein, about the 20 day of Apryle, to have conference with such of thair number as they appointit to meit him ther; quhilk he did, comeing in the towne the 20 of

Apryle, and ther abode, resorting to publick doctrine and conference till the Commissioners were satisfiſſed with his reſolutioun; and ſo the conference was endit.

2. The brethren appointit to deale with him, after long reaſoning, brocht him to confeſſe the veritie and whole grounds of religioun affirmativé, reſolvit his doubts be the Word of God, and ancient Doctours; and movit him, with knowledge, to reſuſe all heids of errour in Papiſtrie, contrair to the ſame.

3. He acknowledgis the reſormit Kirk of Scotland to be the true Kirk. He is ready to joyne himſelfe therto, and profeſſes himſelfe a member therof; will heare the Word, obey the ſame be the grace of God, participat the ſacraments; and obey the haill diſcipline of the Kirk, as it is acknowledgedit preſentlie be the Kings Maſteſtie and Eſtates.

4. He ſolemnlie promiſes and offers his wrytin band, that lykeas, ſen his promiſe, and entring in conference with the Kirk, he never intercommunit with Jeſuits, Preiſts, or excommunicat perſons, except ſick as are dealing with the Kirk, ſwa to keip in all tymes comeing; and that he ſhall baniſch out of his companie and bounds all Jeſuites, Priests; and ſhall expell therfra all excommunicat Papiſts, except ſick as ſhall have licence fra the Kirk and Kings Maſteſtie; and, finallie, that none ſhall have receipt in his bounds that are profeſt enemies to the Kirk, be his knowledge.

5. He is readie to ſweare and ſubſcribe the Confeſſion of Faith, in preſence of the haill Commissioners, ſo ſoon as they ſhall come back from the nixt Generall Aſſemblie, with power to pronounce his abſolutioun.

6. He is content to ſatiffie for his apoſtaſie in the place appointit, and ther to ratifie the forſaids premiſſes.

7. At the deſyre of the ſaids Commissioners, he preſentlie remitts all rankour and malice conceivit be him, for any occaſioun or deid offerit to him be the countrey men in the Kings ſervice; and promitts, vpon his fidelitie, never to quarrell any for the ſame, ſpecially none of the Miniſtrie, ſouth or north.

8. He aggries, that ſuch as of the Miniſtrie ſhalbe appointit, with ſuch freinds [as he ſhall appoint,] ſett downe quhat ſhall be his part for planting of the kirks within his bounds; quhilk he promiſes to execute after his abſolutioun.

9. Be the advyce of the Commissioners, he is content to take a Miniſter, and intertaine him in his houſe.

10. He confelles, that he gave sufficient matter to the Kirk to denunce the sentence of excommunication aganis him. Sic subscribitur,

ERROLL.

The Erle of Angus answers to the Articles.

1. He being callit befor vs, it was injoynt to him to remaine at Barras in the parochin of Kynneff, and ther awaite vpon the heiring of the doctrine in that his paroch kirk; and vpon conference at such tymes [and places] as was appointit in Conveth and Aberbuthnot kirks; quhilk he hes faithfullie keipit and obsevit untill his resolutioun was obtenit.

2. After we had reasonit and conferrit with him in many of the contravertit heids of religioun, be the Scriptures, and ancient Doctours, he satisfie vs affirmativé and negativé.

3. He acknowledgit the Kirk of Scotland to be the true Kirk, and is ready to joyne himselfe therto, and professè him to be a member thereof, will heare the Word, participat the sacraments, and obey the haill discipline of the Kirk, as it is allowit presentlie be his Majestie and Estates.

4. He solemnlie promises be his word and wrytin band, to remove soorth of his haill companie and bounds, Jesuites and excommunicat persons; lykeas he hes done since the Commissioners nominat thir articles to him.

5. He desyres the Commissioners to get a power to absolve him, and immediately thereafter, he sall sweare and subscribe the Confessioun of Faith.

6. He is content to satisfie for his apostasie in his awin paroch kirk, and ther to ratifie his forsaide promises.

7. He vnderstands none of the countrey to have incurrit his wrath or deadly feid for persewing him in his Majesties service, quhilk he protests befor God; that he nevir meanit to harme any man for giving obedience to his Majesties lawis, quhilk if he had done, he sould rather have made mends nor [have] forgivin; and if any in particular will complaine, he will satisfie this article, albeit, in very trueth, as all the countrey knowis, he hes sustained great los, quhilk he hes the Kirk to meane, in most humble manner, to his Majestie, as the Commissioners will declare at more length.

8. He is content at the sight of the Commissioners, and his best advyfit freinds, to provyde stipends for his kirks, how soone he salbe absolvit and restoreit to his living.

9. He will most willingly take a Minister and intertaine him at his awin house, be the advyce of the Commissioners.

10. He confesses, that he deserved to be excommunicat.

Sic subscribitur,
ANGUS.

The quhilk report made be the saids Commissioners, in discharging of thair forsaid commissioun, the Generall Assemblie presentlie conveyit, ratifies and allowis, as aggriable and ansuerable to the ordinance of the last Assemblie, haldin at Perth, in all poynts: and therfor ordaines the saids Commissioners respectivé, to proceed farther with the saids Erles in the said matter, and to receive a satisfactioun of sick things as are promised be them in the saids conditiouns, and to crave the present accomplishment therof, so farre as possible can be done. They are to say,

That as they, in thair ansuer, hes allowit and subscriyvit, sa that they presentlie confesse the veritie of the hail grounds of our religioun affirmativé; and with some measure of knowledge, refuse and detest all heids of Papistrie, contrair to the same.

That they acknowledge the Reformit Kirk of Scotland to be the true Kirk; that they effaldlie joyne themselves, and acknowledge themselves members therof, submitting them to the same; and salbe readie, at all occasions, to heare the Word, and obey the same, participat the sacraments, and obey the hail discipline of the Kirk, as it is allowit be his Majestie and Estates.

That, befor thair absolutioun, they sweare solemnlie and subscribe the Confessioun of the Faith, in presence of the hail Commissioners.

That as they have testified be thair writt, even so be thair band they promise to remove out of thair companie, in all tyme comeing, all Jesuites, Preists, and excommunicat Papists, except sick as salbe licentiat be the Kirk

That, at the time of thair absolutioun, they satisfie in most humble manner in the kirks of Aberdein and _____ for thair former apostasie, and ther ratifie these thair promises in most solemne manner.

That the Erle of Huntlie, befor his absolutioun, ask God mercie for the Erle of Murrays slaughter, and declare his penitence for the same.

And because thair Lordships hes promised never to quarrell any Gentlemen of the countrey, that hes persewit or vtherwayes troublet them, and

therby incurrit thair wrath in his Majesties service, and at his Hienes commandement : Therfor, to the effect the fruites therof may more evidently appeir, that thair Lordships faithfullie promise, that lykeas thair sonnes hes already obtainit, or at the leist is to obtaine of his Majestie, of frie grace and meere donatioun, the gift of thair foirfaultries ; evin so the gentlemen in the countrey, that are vassalls to them, and hes incurrit the lyke [sentence of] foirfaltour, and perrillit thair lands, not through thair awin evill demerit, bot be reason they were vassalls to them, may receive and obtaine of thair Lordships, the lyke grace as is impairtit vnto them be thair Sovereigne : and as his Majestie grantit a benefite to them, who had offendit, evin so thair Lordships vassalls be not trublit for any compositioun of thair lands, quhilk, not be thair fault, bot throw thair Lordships failzie, were indangerit and holdin in none entrie ; and that thair Lordships renew the promise of remitting all rancour and malice of heart against the said gentlemen.

And as to the provisioun of Kirks quhilk pertaines to [ilk ane of] the said Erles respectivé, that [they, at] the advyce of thair best affectionat freinds and the saids Commissioners, sett downe ane solid ordour, how the Ministrie may be plantit and honestlie sustainit at the same ; quhilk they fall ratifie and approve, and put in executioun immediatelie after thair absolutioun.

That, be the advyce of the Commissioners, they make choise of a Minister, quho salbe intertainit in thair housè for instructing of the same.

That they renew the confessioun of thair sins, acknowledging that they were justlie excommunicat for the same.

And to the effect that all slander may be removit from the Erle of Huntlie, and speciallie that quhilk did arise vpon the slaughter of Mr William Mure, quhilk was committit dureing his Lordships remaining in Aberdein, that his Lordship provyde sick remeid, that the poore woman, mother to the said Mr William, may be satisfied ; and sick assythment made, allweill for him as her husbands slaughter, as the Commissioners fall think expedient.

With power to the saids Commissioners, after the accomplishment of the premisses, to absolve the saids Erles from the sentence of excommunicatioun, and receive them again in the bosome of the Kirk.

Sessio 7^a. 14 Maij.

Anent the Articles givin in be his Majestie in the last Assemblée haldin at Perth, the decisioun and anfuering quherof was referrit be the said Assemblée, to be reasonit and intreatit be certaine Commissioners, and thereafter to be concludit in this Assemblée ; and anent the declaratioun of certaine acts made in the said Assemblée haldin at Perth, for satisfactioun of such as were not present at that tyme, nor acquaintit therwith : The saids articles and questions being reasonit and vottit in face of the haill Assemblée, his Majestie being present for the tyme, these declaratiouns and conclusiouns after following were sett downe and concludit be the said Assemblée, as followis.

Notes in forme of declaratioun of certaine of the Acts made in the Generall Assemblée haldin at Perth in Februar last by past, for explaining of his Majesties and the Assemblies meaning, for the satisfactioun of such as then were not acquaint therwith : quhilk are ordainit to be registrat in the Acts of this present Assemblée.

First, Anent the lawfulness of the said Assemblée haldin at Perth : It is declairit be this present Assemblée, that one of the reasons moving the brethren to acknowledge the lawfulness of the said Assemblée, was found to have bein, that the Commissioners of the Kirk accordit with his Majestie theranent, as is exprellie sett doune in his Majesties letter.

Item, The reason moving the Assembly to grant the more willinglie to the 2 Article concerning the reproving of his Majesties laws, was this ; his Majesties earnest and constant affectioun to the religioun, and obedience to the Word, was evidentlie knawin to the haill Assemblée ; and that it was his Majesties declarit will and intentioun, alwayes to frame his laws and whole government according to the same ; for the quhilk causes the Assemblée aggried to the said article.

Anent the Article ordaining that no mans name be exprest in pulpitt, except in notorious crymes, &c. : The point of notorietie is farder defyned, [If the cryme] be so manifest and knowin to the world, ut nulla tergiversatione celari possit.

Anent the Article ordaining, that no conventioun of Pastours be without

his Majesties knowledge and consent : His Majesties consent is declarit to be extendit to all and quhatsoever forme either of Generall [Assembly,] or speciall Synodall, permittit and authorizit be his Hienes lawis, according as they have warrand in the Word of God, as being the most authentick forme of consent that any king can give.

Anent the Article concerning provisioun of Pastours to burrowes : It is declarit that the reason therof was and is, that his Majestie was content, and promised, that quher the Generall Assemblie finds it necessar to place any person or persons in any of the saids townes, his Majestie and the flock fall either give thair consent therto ; or els a sufficient reason of the refusall to be proponit either to the haill Assemblie, or to a competent number of the Commillioners therof, as his Majestie fall think expedient.

Ansuers to the rest of his Majesties Questions, according as they were proponit be his Hienes and his Commillioners in the present Assemblie.

First, Anent the proposition movit be his Majestie to the Assemblie, craving that befor the conclusioun of any weghtie matters concerning the estate of his Hienes or of his subiects, his Majesties advyce and approbatioun be cravit therto, that the same being approvit be his Majestie, may have the better executioun, and, if neid beis, be authorizit be his Hienes lawis : The Assemblie craves most humbly, that his Majestie, either be himselfe or his Hienes Commillioners, in matters concerning his Majesties estate, or the haill estate of his subiects, and vthers of great wecht and importance, that hes not bein treattit of before, wald give his advyce and approbatioun therto, before any finall conclusioun of the same : and, for the better obedience to be given to such lyke statutes in all tyme comeing, that his Majestie wald ratifie the same, either be act of his Hienes Parliament, or Secret Counsell, as falbe thocht neidfull : The quhilk his Majestie promised to doe, according to his Hienes proposition, quhilk was acceptit and allowit of the haill Assemblie.

The Assemblie ordaines, that there be ane vniformitie in the ordinatioun of the Ministrie throughout the haill countrey, impositioun of hands ; and that they be admittit to certaine flocks, vpon the quhilk they salbe astricted to attend, according to the Acts of the Assemblies made of befor ; and ordaines that none, that are admittit to the Ministrie, be promovit to teach

in publick and great rowmes, except vpon very vrgent necessitie, in defect of actuall Ministers, they be ordainit to supply sick wants be the Presbyteries, Synodall or Generall Assemblies, quho fall tak diligent ordour that they keip themselves within the bounds of thair gift, and speciallie in applicatioun.

That no Pastour exercise any iurisdiction, either in making of constitutions, or leading of proceffes, without the advyce and concurrence of Sessioun, Presbytrie, Provinciall or Generall Assemblie.

That all Sessiouns be electit with consent of thair awin congregatiouns.

That all Sessiouns, Presbyteries, and Provincials, vse sick forme in all thair proceffes as may be found laufull and formall, and able to abyde tryall; the quhilkis falbe registrat in matters of importance: and, to that effect, ordaines the proceedings of privat Sessiouns to be lightit at Presbyteries; and the proceedings of Presbyteries at Provinciall Assemblies; and the proceedings of the Provinciall at Generall Assemblies.

The Assemblie ordaines, that in the exercises, quhen the Ministers are convenit at thair Presbyteries, no applicatioun be vsed.

That in the determinatioun of matters of importance, quher the vottis falbe only different [vpon] two or thrie, that nothing be concludit therin till better resolutioun; and that, in such difference, he that gives the negative with his vote, fall give *rationem negandi*.

The Assemblie ordaines the Presbyteries to meddle with nothing in thair judicatur, quhilk fall not be found, but contraverfie, proper to the Ecclesiastick judgement; and that heirin ane vniformitie be keipit throughout the haill countrey.

That all proceffes and acts be extractit to parties having interefs, quher is ane wrytin proceffe.

The Assemblie superseids to ansuer the article tuiching summar excommunication quhill the nixt Generall Assemblie; and in the meane tyme suspends all summar excommunication: alwayes, in great crymes, the Assemblie ordaines a publict intimatioun therof to be made, and the committer therof to be suspendit a sacris, and prohibited a privato convictu.

If any Presbytrie falbe defyrit be his Majesties missive to stay the proceeding of any thing prejudiciall to the civill jurisdiction or privat mens rights, It is ordainit, that the said Presbytrie fall desist in the said matter, vntill they fend to his Majestie for satisfactioun theranent.

Sessio 8^a 16 Maij.

Because fundrie scandals rife, through the disorder of reidears, be baptizing of bairnes gotten in adulterie and fornication, befor satisfaction made by the offenders; and celebrating of unlawfull marriages: The Assemblie statutes and ordaines, that no Reidar minister the sacrament of baptism in any way, in all tymes coming; and that they presume not to celebrate the bands of marriage without speciall command of the Minister of the Kirk; and in case ther be no Minister therat, of the Presbytrie, had to that effect: and ordaines every Presbytrie to cause this act to be intimat at every paroch kirk, that none pretend ignorance heirof in any tyme coming.

Sessio 9^a 16 Maij.

The quhilk day, in presence of the haill Assemblie, the Kings Majestie being personally present, declarit, that [seeing,] through the shortnes of tyme, ther were fundrie matters of weght and importance, not only concerning particular flocks, bot quhilk did in speciall tutch the haill estate and body of the Kirk, quhilk could not be commodiously intreatit and concludit in this present Assemblie; as namelie, twitching both the planting of particular congregatiouns and of the haill kirks within this realme, quhilks as yet, through the default of honest intertainment, remaine unplanted and destitute of the comfort of the Word; and anent ane solid ordour to be takin anent a constant and perpetuall provisioun for the sustentation of the haill Ministrie within this realme, to the end they be not, as in tymes bygane, to depend and awaite vpon the Commillioners appointit for modifying of their stipends, and so be forcit to absent themselves the most part of the zeir from thair flock, to the great disgrace of thair calling, dishearting of thair congregatioun, and discontentment of his Majestie, whose care ever hes bein, and earnest desyre continues as yet, that every congregatioun have a speciall Pastour honestly sustaint, for the better waiting on his cure, and discharging of his duetiefull office in the same: and therfor his Majestie desyrit the brethren to consider, whither it were expedient that ane generall commillion should be grantit to certaine of the most wyse and discreit of the brethren, to conveyne with his Majestie for

effectuating of the premiffes : The quhilk his Majesties advyce the Affem-
blie thinks very neceffar and expedient ; and therefor hes given and grantit,
lykeas, be the tenour heirof, they give thair full power and commiffioun to
the brethren vnderwrytin, viz. Mrs Alexander Dowglas, James Nicolfone,
George Glaidflaines, Thomas Buchannan, Robert Rollock, Robert Pont,
David Lindfay, Patrick Galloway, Johne Duncanfone, Patrick Sharp,
Johne Porterfeild, James Melvill, William Couper, and Johne Clapper-
toun, or any fevin of them, to convene with his Majestie, betuixt the day
of thir presents and the laft of May instant, [with power to them] to take
folid ordour anent the provifioun of Minifters to the townes of Edinburgh,
Dundie and Sanct Androes, his Majesties and the Princes houfes ; to give
thair advyce and opinioun to his Majestie, anent the planting of every par-
ticular kirk within this realme ; to make fuch overture as they can beft
devyfe twiching the constant platt ; and generally to give thair advyce to
his Majestie in all affaires concerning the weill of the Kirk, and intertain-
ment of peace and obedience to his Majestie within this realme : with ex-
preffe power and command to the faids Commiffioners to propone to his
Majestie the petitionis and greives, afweill of the Kirk in generall, as of
every member therof in particular, promitten de rato.

Anent the fupplicatioun givin in be Mr John Rutherford, makand men-
tioun, that quher in the Generall Affemblie laft bypafft haldin at Perth, he
gave in ane fupplicatioun, quherin he defyrit the proces of deprivation
[led and] deduceit aganis him be the Presbytrie of Sanct Androes, to be
produceit before the faid Affemblie, to the effect the fame might be tryit,
and the proceedings thereof examin it be them, the quhilk was referrit be
them at that tyme to this present Affemblie, ordaining the faid Presbytrie
of Sanct Androes to produce the faid proces befor this present Affemblie,
and to answer to the complaint givin in be the faid complainer, defyrand
therefor the brethren of the Presbytrie of Sanct Androes to be callit for
productioun of the faid proces, to the effect the famein might be fein and
confidderit be this present Affemblie, according to the ordinance made at
Perth, as faid is : The Generall Affemblie, in refpect of fhortnefs of tyme,
remitts the faid complainer and his fupplicatioun to the Commiffioners ap-
pointed to convene with his Majestie at Edinburgh, and ordaines the Pres-
bytrie of Sanct Androes to produce the faid proceffe befor the faids Com-
miffioners, and the anfuer to the faid complainers fupplicatioun in all
points ; with power to the faids Commiffioners, or any fevin of them, to

take full tryall, cognitioun, and finallie to conclude in the said matter, promitten de rato.

Sessio vltima. 17 Maij.

Anent the supplicatioun givin in be James Wood, appeirand of Bonytoun, makand mentioun, that, according to the directioun of the last Assemblie haldin at Perth, he had attendit vpon the Commillioners appointit be the said Assemblie, and had aggried, be thair conference, in many heids of religioun with them; desyreand therfor, as he is willing to persevere in conference with the saids Commillioners to his finall resolutioun, that a commillioun may be grantit to the brethren appointit for dealing with the Erles of Huntlie and Errol, to continue in conference with the said complainer; and in case they find him resolvit, to absolve him from the sentence of excommunicatioun, and receive him again in the bosome of the Kirk: as also that the Commillioners of Angus appointit for the said purpose, may have a speciall command to intreat with the said complainers father, for appealing his wrath towards him, in respect he is content to submitt himselfe most humbly to his said father, or to the Kirk, for satisfactioun of any eyelists that he or they hes found in him in tymes bypast: The Assemblie gives full power and commillioun to the brethren appointit for receiving the Erles of Huntlie and Erroll, to enter in farther conference and tryall with James Wood, appeirand of Bonytoun: and in case of full satisfactioun to be made be him to the saids Commillioners, in such heids and articles quherin he hes not as yet satisfied, the Assemblie gives vnto them power to absolve him from the sentence of excommunicatioun, and receive him againe within the bosome of the Kirk. Attour, the Assemblie ordaines Mrs George Gladstones, Andro Mylne, Andro Leich, Johne Ramsay, and Andro Lamb, to deale with the Laird of Bonytoun, and travell in the reconciliatioun desyrit and satisfactioun offerit be the said complainer his sonne.

Anent the supplicatioun given in be Mr William Murray, Minister at Dyfart, making mentioun, that quher he hes livit vpon the duetie of the tak of the Personage thir diverse zeirs bygane, being only thrie hundreth merks, and susteineth great charges thervpon; and now seing the saids taks are outrunne, and he is informit that diverse supplicatiouns are givin

in be the gentlemen of the said parochin, craveand the said complainer [to be astricted] to sett them taks of thair awin teinds respectivé; desyre- and therfor not to astrict the said complainer to any particular persons, bot to give him power to sett taks to sicker as fall doe most commodioullie for the weill of the Kirk: The Assemblée gives power to the said complainer to sett in tak the teinds of the Personage of Dyfart, except of the lands pertaining to the Lairds of Glennagies and Wachtoun, reservit be ane vther act of this Assemblée, with advyce and consent of the Presbytrie of Kirkcaldie, and of the brethren after following, viz. Mrs Thomas Buchannan, William Cranstoun, James Melvill, Robert Wilkie, David Fergusone, and Johne Fairfull; vnto the quibils the Assemblée remits the supplicatioun of such as craves tackis of the teinds of the said Personage.

Anent the Erle of Craufurds request, desyreand licence to a person of Inneraritie to sett a tack of the teinds therof, in case it be found be the civill Judge that he hes best right therto: The Generall Assemblée gives power to the Commissioners appointit to conveye in Edenburgh with his Majestie, to give power to the person that salbe presentit, to sett taks of the teinds controvertit to either my Lord Craufurd, or the Laird Purie Fotheringhame, that salbe found be civill magistrate to have best right to the fame.

Thanks being given to God, the brethren ordaines the nixt Assemblée to be haldin at Striveling, the first Tuesday of May 1598.

Here followeth the tenour of a Missive sent by the Commissioners of the General Assemblée to the Presbyteries.

[Grace and peace from God the Father of our Lord Jesus Christ.

Beloved brethren, as we have found continuance of mercy in staying the desolation, which was already begun, according to many threatenings against the contempt of this land; so wee see, through the lack of due consideration and foresight in such as principally should have the most tender care of this work, and partly through the subtile wayes of dissembling friends, good occasions are likely to be turned to our hurt, unless remeed

be wisely provided in tyme : For this cause wee have thought it needfull, and be consent of his Majestie concluded, that the General Assembly, which was ordained to be in May, should hold the first Tuesday of March next at Dundie, for preventing of inconveniences, that delay of tyme might draw to further evil, and for taking of solid resolution in such things as are necessary to be deliberat upon, concerning the Kirks vote in Parliament, and some other necessary points ; whereanent, for your better information, wee have thought expedient to acquaint you with the effect of our travells here at this tyme.

According as it has been the continual custome of the Kirk at Parliaments to crave such things as were found necessary to pass in lawes for their well and priviledges ; so with advice of diverse Commissioners of Presbyteries, wee found it requisite to insist in such articles as have been craved be the Kirk at Parliaments in tymes bypast ; and namely wee urged the article anent the Kirks vote in Parliament, and the article anent the universal provision of the whole Kirk with stipends. In both wee found great opposition be the far greatest part of the Lords : but the Kings Majestie conveyed our suits with such wisdom and dexterity in our favours, that in end, after many hard answers, his Majestie procured, that he might dispoise the whole great benefices to Ministers ; and that such Ministers as should be admitted thereto, should have vote, but prejudice alwayes to the present discipline and jurisdiction of the Kirk in any point ; as ye will understand be the act itself, whereof we have sent you here a copy, which his Majestie thinks shall be a mean, in short tyme, to vindicate the Ministry from their present contempt and poverty ; and this is already perceived be many to their grief, who fear their hurt in our credit. For this cause we have been earnestly requested by sundry of the wisest of all Estates, who most favour the good cause, that without scruple we should accept this good occasion. The which point of present acceptation was urged be the Lords so straitly, that unless we wold give our consent thereto presently, in name of the Kirk, they wold not suffer the foresaid act to pass in our favours ; yet his Majestie was so favourable towards us, and so carefull to save our credit, and eschew offence, that, be his moyen, all is reserved free to this Assembly for our part : Therefore we beseech you, Brethren, to have a regard hercof with such wisdom and care as is necessary in a matter of so great importance, and send in commission to the said Assembly, the most wise, grave, and of best credit and experience among you, so far as

infirmity and age may suffer ; that good occasion may be used at this tyme, as that the good may be taken without any hurt, so far as is possible.

Anent the Platt and provision of stipends at every Kirk, commissioun is given to a number of Lords and Ministers, who are to essay that work with all diligence, and to crave your farther help in the information anent the estate of the kirks : which therefore ye shall take paines to have in readines, as ye shall be required upon the next advertisement.

The Lord direct you in all sinceritie and wisdom, that ye may find a blessing upon your labours alwayes.

From Edinburgh the 22 day of December 1597.

Your Brethren and fellow labourers, the Commissioners of the General Assembly, and in their name and command Mr Robert Rollock, Moderator of the General Assembly. C.]

Tenour of the Act of Parliament.

In Parlamento apud Edinburgh, 13th Decembris A. D. MDXCVII.

Our Soverain Lord, and his Hienesse Estaites in Parliament, havand speciall consideration and regairde of the great priviledges and immunities granted bee his Hienesse predeceffoures of maist worthie memorie to the halie Kirk within this realme ; and to the speciall perfonas exercing the offices, titles, and dignities of Prelacies within the samin : quhilkis perfonas hes ever represented ane of the Estaites of this realme, in all Conventions of the saidis Estaites ; and that the saidis priviledges and freedoms hes bene from time to time renewed and conserved in the same integritie and condition, quhairin they were at ony time of before ; swa that his Majestie acknowledging the samin now to be fallen, and becummin vnder his Majesties maist favourable protection : Therefore his Majestie, of his greate zeale, and singular affection, quhilk hee alwaies hes to the advancement of the trew religion presentlie professed within this realme, with advise and consent of his Hienesse Estaites, statutis, decernis, and declaris, that the Kirk within this realme, quhairin the samin religion is professed, is the trew and halie Kirk ; and that sick Pastoures and Ministers within the samin, as at ony time his Majestie shall please to provide to the office, place, title, and dignitie of ane Bishop, Abbot, or vther Prelate, shall at all time hereafter

haue vote in Parliament, siklike and als freelie as ony vther Ecclesiasticall Prelate had at ony time bygane : And als declaris, that all and quhatsum-
ever Bithopprickes presentlie vaikand in his Hienesse handes, quhilkis as
git ar vndisponed to ony person, or quhilkis fall happen at ony time here-
after to vaik, falbe onelie disponed be his Majestie to actual Preachers and
Ministers in the Kirk ; or to sik vthers persones as falbe foundin apt and
qualified to vse and exercise the office and function of ane Minister and
Preacher ; and quha in their proviſiones to the said Bithopprickes, sal accept
in and vpon them to be actual Pastoures and Ministers ; and according
therto fall practize and exerce the samin thereafter.

Item, As concerning the office of the saidis persones to be provided to
the saidis Bithoppricks in their spirituall policie and gouvernement in the
Kirk, the Estaites of Parliament hes remitted, and remittis the samin to the
Kingis Majestie, to be adviſed, consulted, and agreed vpon be his Hienesse
with the General Asſembly of the Ministers, at sik times as his Majestie
fall thinke expedient to treat with them thereupon ; but prejudice alwaies
in the meane time of the jurisdiction and discipline of the Kirk established
be actes of Parliament, maid in onie time preceeding, and permitted be the
saidis acts to all Generall and Provincial Asſemblies, and vthers quhatsum-
ever Presbyteries and Sessiones of the Kirk.

A. D. M.D.XCVII.

The Generall Affemblie of the Kirk of Scotland, haldin at Dundie the 7 day of Marche 1597. In the quhilk were conveyit the Kings Majestie and Commiſſioners from all Shyres and Townes of the countrey.

Sessio 1^a. 17 Martij. Post meridiem.

Exhortatioun beeand made be Mr Robert Rollock, Moderatour of the last Affemblie, ther was appointit vpon the leits, Mrs Patrick Simfone, David Fergusone, Peter Blackburne, James Robertfone, and Robert Wilkie; and be the pluralitie of votes, Mr Peter Blackburne was electit Moderatour hac vice.

Sessio 2^a. 8 Martij.

Anent the Commiſſioun given to certain brethren of the North, for the absolving of the Erles of Angus, Huntlie, and Erroll, from the sentence of excommunicatioun: The Affemblie ordaines Mr Peter Blackburne, in name of the rest, to give in in wryte, the hail forme of thair absolutioun, and satisfactioun to the articles injoynd to them in the last Affemblie, to the effect the same may be registrat in the Bookes of the Affemblie.

Sessio 3^a. Eodem die.

Because there is no accompt tane of the acts of every Provinciall Assemblie; therefore it is statute and ordainit, that, in all tymes coming, every Provinciall Assemblie within this realme send the acts of thair Synod made sen the Generall Assemblie immediatlie preceeding, with thair Commillioners direct be them to the next Generall Assemblie, to the effect the brethren of the Generall Assemblie may take tryall and cognitioun, that the proceedings of every Synod be done decenter et ordine, and so allow or disallow of them as they [fall] think meitt; and this ordour to begin at the next Generall Assemblie.

Item, Because it was meinit be some of the brethren, and found fault with, that such as vses to be appointit Commillioners from the Synodalls to the General Assemblie, but any reasonable cause, refuse to obey and accept thair commillioun, quherthrow it falls out oftentimes, that at the Generall Assemblie ther inlakes Commillioners from some Synods: Heirfor it is statute and ordainit, that every Synod fall choose out them that salbe thocht most meit to come as Commillioners to the Generall Assemblie, who fall remaine to the last day of the Assemblie inclusivé: and to the effect they may pretend no reasonable cause in the contrair, and speciallie of povertie, therefor it is statute and ordainit, that in case the Commillioners that are cholen may not commodiouse awaite vpon the Assemblie vpon thair awin expensis, then and in that case, the rest of the quhilk number he is chosin fall contribute to his expensis, according to the abilitie of thair livings, vnder the paine of the tinfell of the tenth part of thair stipends; quhilk Commillioners beand sa furnisheit be ane commoun contributioun, as said is, he fall repaire to the Generall Assemblie, and remaine vnto the finall end therof, vnder the paine of the tinfell of the tenth part of his awin stipend: And in case either the Commillioner or the brethren of his Synodall, through not obeying every ane thair processe of the premisses respectivé, incurring the danger of the penalties above rehearfit, and get refusing to make payment of the saids penalties, viz. of the tenth part of thair stipends, then and in that case, they salbe suspendit from thair calling and functioun, ay and quhill they satisfie the same.

Anent the summonds raisit at the instance of the Synodall of Fyffe against Andro Arnot, Minister of Scotlandwell, craveand the said Andro,

conforme to his promise, to mak provisioun for the kirk of Auchtermoonfie, ane of the kirks of the said Ministrie : The said Andro being callit, compeirit and declarit, that he promised to make sufficient provisioun for the said kirk, provyding alwayes he were resolvit of the payment of his thrid, quhilk he payes presentlie to Mr Robert Inchaw ; quhilk promise he presentlie ratified, and band himselfe to make provisioun for the said kirk of Auchtermoonfie immediatly after the dissolving of the Assemblie, he being releivit of the payment of the thrid, as said is.

Seffio 4^a. 9 Martij.

[The Synod of Lothian gave in their grieves against the Commissioners of the Generall Assembly, whereupon was made this ordinance following. C.]

The Commissioners appointit in the last Generall Assemblie for planting of the townes of Edenburgh, Dundie, and Sanct Androes, and such vther affaires, as at mair lenth is conteinit in the said commissioun, and callit to give ane accompt of sick things as had bein done be them be vertue of thair commissioun forsaid, Mr James Nicolfone, in name of the rest, produceit a booke containing a whole register of thair whole processe and proceedings since the acceptatioun of the said commissioun, quhilk was publickly red in prefence and audience of the haill Assemblie : And because ther was some of the brethren that thocht themselves greivit at certaine of thair proceedings, therfor it was thocht expedient that the brethren after following shuld cognosce vpon the saids greives and Commissioners answers therto, quhilk both shuld be givin in in one wryte befor them, and thereafter report to the haill Assemblie quhat they fand therein : They are to say, Mrs George Monro, James Dundas, Robert Howie, Duncane Davidfone, William Dowglas, Andro Mylne, Andro Lamb, James Robertfone, William Rynd, Archibald Moncreiff, Alexander Lindsay, David Fergusone, William Cranfoun, David Spence, Robert Wilkie, John Knox, Gawin Hamiltoun, Johne Hall, Johne Spotiswood, Patrick Symfone, Robert Darroch, Harie Levingstoun, David Barcklay, Hew Fullertoun, and Johne Welfch.

Greives to be proponit to his Majestie.

First, To crave of his Majestie ane releife of this present taxatioun to sick of the Ministrie as possesse small benefices within iij marks, seing they are not able to be sustaint vpon the same.

2. To crave in generall for the haill ministrie, that they be not troublit with the taxatioun in no tyme coming; bot that the officers that ingathers the same, charge the takemen immediatlie quho are bund to releive the Ministrie of their taxatioun; because so long as the Ministers charges their takemen, not only it averts them from their calling, but also breids a grudge betuixt them and their parochiners.

3. To crave a redresse of the abuse of the buriall, that ane act of Parliament may be made, discharging burials in kirks.

4. To crave ane redresse anent adulterous marriages, quher two persons, both divorcit for adulterie committit either with vther, craves the benefite of the Kirk to be joynit in marriage.

5. To crave his Majestie, quhat ordour salbe tane anent the relaxatioun of such murtherers from excommunication as are alreadie relaxit from the horne, and yet hes not satisfied the partie, quhilk is a token of no penitencie.

6. To advyce with his Majestie, if the carieing of profest witches from towne to towne, to try witchcraft in vthers, be laifull ordinar tryall of witchcraft, or nocht.

7. Anent the laik patronages: To lament unto his Majestie the great abuse quhilk the late act of Parliament hes brocht in giving licence to the patrone to possesse the fruits of the benefice, in cace he present a qualified man, and the same be not admitted be the Kirk; vnder colour quherof they vse to present ane qualified man to the Presbytrie, and hes him sworne to sett back a tack of the fruites of the benefice to the patrone: quhervpon, albeit the person presentit be qualified, yet the Kirk cannot admitt him, in respect of the impediment forlaid, quherthrow both the patrone vplifts [the fruites of] the benefice, and the Kirk lyes destitute; therfor to crave redresse of the same.

Sessio 5^a. Eodem die.

Anent the greives givin in to his Majestie befor noone, his Majestie being present gave his anfueris as followes :

To the first and second : His Majestie defyrit the Commissioners to be deput from this Affemblie, to give in ane supplicatioun to the Counsell, anent the same, quhervnto his Majestie fould hold hand ; and in the mean tyme promised to cause stay all farther executioun against sick of the Ministrie as were at the Affemblie presentlie, quhill the 15 of Apryle nixt to come.

Anent burials : His Majestie thocht good that ane supplicatioun should be givin in to the nixt Parliament, craveand that, for avoyding of burialls in kirks, every Nobleman fould bigge a sepulture for himsele and his awin familie.

Anent adulterous marriages : His Majestie thocht good that ane supplicatioun fould be givin in to the nixt Parliament, craveand such marriages to be declairit null in all tyme comeing, and the bairnes gottin therin to be bastards.

Anent murtherers : His Majestie declared, quhen any murtherer is relaxit from the horne, upon caution to vnderly the law, that he is not, therfor, simpliciter relaxit, bot to ane day to abyde tryall of his fault ; and therfor thinks that the Kirk may continue in thair censures aganis such a person, and deny him any benefite of the Kirk, vntill they sie evident tokens of repentance in him, the partie be satisfied, and thervpon ane full remissioun obtainit.

Anent tryall of witchcraft : His Majestie declared, that, be ane act of the last Parliament, it is remittit to certaine of his Hienes Counsell, certaine Ministers and Advocates, to conclude vpon [a solid order] anent tryall of witches, and to advyce whither the forsaide carieing of witches is permissive, [or not.]

Tuiching the quhilk, the Affemblie ordainit Mr Patrick Galloway and Johne Duncanson to hald his Majestie in remembrance.

Anent the abuse of laik patronages : His Majestie thocht good lykewayes, that ane supplicatioun fould be givin in to the nixt Parliament for redressing of the same.

Because it was reportit in the Affemblie, that albeit fundrie persons were

convict of witchcraft, nevertheles, the civill Magistrat not only refuset to punish them, conforme to the lawes of the countrey, bot also, in contempt of the samein, settis the persons at libertie, quhilk were convict of witchcraft : Therfor the Assemblie ordaines that, in all tyme coming, the Presbytrie proceed in all severitie with thair censures aganis [all] such Magistrats as fall set at libertie any person convict of witchcraft heirafter.

Item, Because diverse persons, with ane preposterous haste, hes proceedit to the band of Matrimonie, without any lafull proclamatioun of thair bands, quherthrow the ordinances of the Kirk are hiellie contemnit : Therfor it is statute and ordainit, that no persons be couplit together in marriage, without they be thryse lafullie proclaimit at thair awin paroch kirk, according to the consuetude observit within this realme : and in case of contraveining of the same, that the Minister be depyrit of his office ; and the parties ordainit to satisfie the Kirk be public repentance.

Anent burials : It is ordainit, that no pictures or images be caried about in burials, vnder the paine of the censures of the Kirk.

Item, Because it was regratit, that because certaine of the Ministrie being beneficeit persons, hes sett taks and assedatiouns of the fruits of thair benefice, and therafter hes obtainit licence of transportatioun from thair kirk, so that the same, be reasone of the taks set be them, remains continuallie vnplantit for lake of provisioun : Therfor it is statute and ordainit, that, in tyme comeing, no Minister get licence of transportatioun from his Kirk, befor it be tryed, that he hes not hurt the benefice, from quhilk he wald be transportit, be setting tacks of the fruits of the same ; and if the tacks, that were sett befor his entrie to the said benefice, expyrit in his tyme, that he hes renewit no auld tack, but consent of the Generall Assemblie, and melioratioun of his benefice.

Item, Because for lake of moyen, fundrie of the Ministers hes not as yet obtainit the designatioun of their manses and gleibes, Therfor it is ordainit, that everie Minister, that is not yett posselt with his manse and gleib, obtaine possellioun of the same, betuixt and the nixt Assemblie : And in case the person, in whose favours the designatioun is grantit, be not able, throw povertie, to awaite vpon the law for [obtaining] possellioun of the same, that the rest of the brethren of his Presbytrie concurre and help him with expensses for obtaining of the same.

Sessio 6^a 10 Martij.

Anent the proceedings of the Commissioners appointit in the last Generall Assemblie, quhilk they did anent the planting of the Ministrie of Sanct Androes, and anent the examinatioun of the depositioun of Mr Johne Rutherford: The Assemblie ratifies, allowis, and approves their proceedings therin.

And farther ordaines, for reasonable causes moving [them,] Mr Robert Wallace to be relaxit from the sentence of suspensioun from his Ministrie, pronuncit in their decreit against him, he satisfieand my Lord of Menmure, be the advyce of Mrs David Lindsay, Robert Bruce, and Robert Rollock, to the effect he may be placit to serve in sick parts, quher the Kirk fall think his travells to be best imployit.

As concerning Mr Johne Rutherford's process, and the rest of the things done in Sanct Androes be the saids Commissioners: Mrs David Black, Johne Carmichaell, Robert Durie, Alexander Forfythe, and the rest of the brethren of the Presbytrie of Sanct Androes that were ther present, after reasoning of such things quherof they had not bein of before resolved, declared themselves satisfied therin.

Because it was reportit be the Commissioners of the Generall Assemblie, that the constant Platt for planting of every particular kirk, was hindred be the taksmen who hes the hail teinds in their hands, and refuseth to condescend to any substantiall ordour anent the planting of the Ministrie, without some securitie were made vnto them anent the rest of their teinds: Therfor the Assemblie thocht good to consider quhat be the conditions cravit be their taksmen, in case of augmentatioun of the duetie of their tackis for sustentatioun of the Ministrie: To the quhilk it was ansuerit be the visitours of Murray and Aberdeine, that the taxmen desyrit ane perpetuities of their tacks, be renewing therof at their outruning without greiffom: [Mernes offered presently to augment in victual, upon condition that the tacks be renewed at the outrunning therof, for a liquidat summe, in name of greiffom:] The lyke offerit Angus: Clidfdail, Galloway, Lauthian, and Fyfe, wald make no offer.

Upon consideration quherof, the brethren desyrit his Majestie that ane law might be made anent the augmentatioun of the duetie of the tackis for sustentatioun of the Ministrie: To the quhilk his Majestie offerit willingly

to deale with the takemen in such fort, that they fould be forcit to augment the duetie of thair tackis to a reasonable and competent living for ane Minister at every kirk, vpon conditionn they had some reasonable ease of thair teinds. And for effectuating therof, the Affemblic ordaines every Minister to give in a particular overture in wryte to the Commillioners quhilk falbe appointit be the Generall Affemblic, [and information,] quhat is the just valour of the teinds of his paroch; to quhom they are lett; for quhat duetie; to quhom the duetie is payit; and quhat better every ane can give for planting his awin kirk; to the effect his Majestie, with advyce of the said Commillioners, may take ane solid ordour anent the sufficient planting of every particular kirk betuixt and the nixt Generall Affemblic.

Sessio 7^a. Eodem die.

The brethren appointit to try the proceedings of the Commillioners of the last Affemblic, and the greives givin in against the same, with the Commillioners anfuers therto, declairit, that they had confidderit the haill grieves givin in be the Synodall of Lauthiane, and the Commillioners anfuers made to the same; and that they thocht it expedient, so that it were the will of the Affemblic, that the saids greives and anfuers fould be buried: Notheles, the Affemblic, for satisfactioun of the haill brether, thocht good, that the saidis greives and anfuers fould be red in audience of the haill Affemblic; quhilk being done, after voteing, it was concludit, that the process and proceedings of the saids Commillioners fould be ratified in that part; and the saids greives and anfuers buried and obliterated, for continuance of peace and quyetnes in the Kirk.

Sessio 8^a. 11 Martij.

The brethren, after reviseing of the haill proceedings of the Commillioners of the last Affemblic, ratifies, allowis, and approves [the same;] and ordaines the haill greives givin in, and anfuers made therto, to be buried and put out of memorie.

For better executioun of thair proceedings, the General Affemblic or-

daines Mrs Robert Rollock, David Lindsay, Robert Pont, Patrick Gallo-way, Johne Duncansone, James Nicolsone, Thomas Buchannan, George Glaidstones, or any fyve of them, to conveine with his Majestie, to put the decreit of the saids Commissioners, anent the planting of Edinburgh, to farther executioun, and place the Ministers of Edinburgh at thair particular flocks; ordaining lykewayes the Ministers of Edinburgh to obey the said decreit be accepting every one of them thair particular flocks, vnder the paine of deprivation from thair Ministrie; and in case of disobedience on thair parts, and none acceptatioun of thair particular flockis, as said is, that the saids Commissioners depryve them from thair function [of the Ministrie:] And therafter ordaines the saids Commissioners to plant the Kirk of Edinburgh with such of the wyfist and most discreit of the brethren as they shall think most meit, to the glorie of God and edificatioun of the particular flockis within the towne of Edinburgh; and in the meane tyme, quhill the saids Commissioners conveine for performing of the premisses, the brethren ordaines the Ministers of Edinburgh to continue in the preaching of the Word and ministratioun of the sacraments.

Sessio 10^a. 13 Martij.

Becaufe fundrie of the brethren desyrit to be satisfieid of his Majesties mynd be his awin mouth toward certaine of the Ministrie, and in speciall toward the Ministrie of Edinburgh, anent quhatfoevir thrawarts or accidents that hes fallen out thir two zeirs bygane; his Majestie, for making his mynd more cleirlie to be vnderstood be the hail brethren, declarit himselfe to be content and satisfieid with the Ministrie of Edinburgh; and that his Hienes did beare no grudge nor evill will to any of them for any accidents quhilk hes fallin out in any tyme bygane, and that the same shuld never be remembrit be his Majestie in any tyme comeing; bot that his Hienes and they, (to the quhilk the Ministrie of Edinburgh willinglie aggregit,) shuld never call any of these accidents fallin out in any tyme bygane to remembrance, neither make mentioun of the same in privat speiches or publick sermons, in any tyme heirafter.

The quhilk day, in presence of the hail Assemblie, the Kings Majestie having declarit his advyce anent the necessitie of Commissioners, to be appointed be the Generall Assemblie, to awaite and concurre with his

Majestie for bringing to ane finall end, the longsome worke of the constant Platt for the planting of Ministers at the principall burghes within this realme, in case any of thir places fall happin to vaik betuixt and the nixt Generall Assemblie; for awaiting on the Parliament, if any falbe, and craveing the redresse of sick things quherwith the Ministers fall find themselves greivit; and finallie, for redrelling of sick enormities, and awaiting vpon such good occasions, as may fall out before the nixt Generall Assemblie; desyreing, therfor, that the brethren wald consider the necessitie forsaide, and according to their discretioun, whither if it were expedient, that ane commillioun shuld be grantit to certaine of the most wise and discreit of the brethren for the causes forsaids: The quhilk his Majesties advyce the Assemblie thinks very necessar and expedient, and therfor hes givin and grantit, and, be the tenour heirof, gives and grants, thair full power and commillioun to Mrs Peter Blackburne, James Nicollone, Andro Mylne, Alexander Dowglas, Johne Ramfay, Thomas Buchannan, David Fergusone, William Cranstoun, George Glaidstaines, Alexander Lindfay, Harie Livingstoun, Robert Pont, David Lindfay, Robert Rollock, John Hall, Johne Clappertoun, Johne Knox, Gavin Hamiltoun, Andro Knox, his Majesties and the Princes Ministers, or any nyne of them, to conveyne with his Majestie, at such tyme and place as shalbe found expedient; with power to them, or any nyne of them, to concurre with his Majestie, anent the setting downe and concluding of the solid grounds and fundament of the constant Platt, and quhat securitie shalbe made to the taxmen for the remnant of thair teinds: Quhilks grounds being sett downe be them, they shal make every Presbytrie within this realme privie to the same; and in case the saids Presbyteries, be thair Commissioners or be themselves, after visitatioun of the saids grounds and conclusiouns, ratifie and approve the same, with power to the saids Commissioners, or any nyne of them, to conveyne thereafter with his Majestie and [Lords of] the Privie Counsell, having the power of the Parliament to that effect, and there to put ane finall end and conclusioun to the constant Platt, and solid planting of every particular kirk within this realme; with power also to the saids Commissioners, or any nyne of them, to plant sufficient Ministers in the principall burghes within this realme, in case the Ministrie therof fall happin to vaik betuixt and the nixt Generall Assemblie, and in speciall to take care anent the provisioun of Ministers to his Majesties and the Princes houses, the kirks of Newabbay, and Dumfreis; with power also to the saids Commis-

fioners, or any nyne of them, to awaite vpon the Parliament, if any falbe befor the nixt Affemblie, and give in the greives of the famein, defyrand them to be redrest; and to give thair advyce to his Majestie, for avoyding or eschewing of any danger or inconvenient quhilk may be licklie to fall out in prejudice of the Kirk: And lykewayes, in cace his Majestie find himselfe greivit, or crave redresse of any enormitie done to his Hienes be any of the Ministrie, with power to them, or any nyne of them, to fitt and cognosce vpon the fame, quherin, for thair better informatioun of the cryme or fact quhilk fall happin to be committit, they fall crave the advyce of the most discreit of the Presbytrie quher the offender dwells, as they fall think expedient, and therafter proceid in taking tryall of the fact be themselves and conclude therin, as falbe most expedient to the glorie of God, and peace and quyetnes of the Kirk within this realme: And, finallie, with expresse power and command to the saidis Commissioners, to propone to his Majestie at thair conventiouns, the petitiouns and greives, asweill of this Affemblie in generall, as of every member therof in particular, as falbe meinit vnto them, promittend de rato, &c.

Anent the forsaid commiffioun grantit for redresse of such things as fall happin his Majestie to be offendit with in the person of any of the Ministrie: His Majestie declarit in presence of the haill Affemblie, that albeit the haill power of cognosceing of such persons, be devolvit in the persons of the Commissioners, quho sould concurre with his Majestie to that effect; nevirtheles, his Majestie mynds no wayes to trouble the Commissioners with any such matters, vnlesse first it be knowin notoriousslie, that the Presbytrie, quher the offender maks residence, both hes gottin knowledge of the fact, and either hes altogether neglectit the tryall therof, or els not satisfied his Majestie with the punishment imponit to the offenders be them.

Seffio 11^a. Eodem die.

Forfameikle as the Commissioners of the Generall Affemblie, at the Parliament haldin in December last bypast, vpon ane earnest zeale quhilk they did alwayes beare to the weill of the Kirk, had givin in certaine articles to the Lords of Parliament, concerning the libertie of the Kirk, and in speciall had craveit that the Ministrie, as representing the true Kirk of God within

this realme, and so being the third Estate in this realme, might have vote in Parliament according to the loveable acts and constitutions of before made in Parliament, in favours of the freedom and libertie of the holie Kirk; quhilks thair travells and indevores, proceeding alwayes vpon ane godly intencion, they submittit to the censures of this present Assemblie, desyring the brethren to allow or disallow the same, as they shuld think most expedient for the glorie of God and the establishing of the true religion within this realme: Quhervpon the brethren being ryple advysit, allowit the honest and godlie intencion of the Commissioners in craving vote in Parliament [for the Ministrie,] as conforme and aggrieng to sundrie vther acts of the Assemblies preceeding, in the quhilk it hes bein found expedient that the Kirk shuld [sute] vote in Parliament.

Forameikle as his Majestie is willing to vtter his good intencion that he hes alwayes borne to the establishing of the true Kirk of God within this realme, declairit, that for the better performance thereof, his Hienes had assisted the Commissioners of the last Assemblie in craving vote in Parliament in name of the Kirk; quhilk thair sute, albeit it was in some part, and [as it were] in a certaine manner, grantit be the Lords of Parliament; set the acceptation therof, the forme, and haill circumstances of the persons, were referrit to this Generall Assemblie, to be acceptit or refusit as the Kirk shuld think expedient. And seing his Majestie had anticipat the appointit tyme of the Assemblie, and desyred the brethren to conveine at this present time, especially for the cause forsaide; therfor his Majestie desyrit that the brethren wald enter in a particular consideration of the haill points of the said act in every particular point thereof; and first to reason, in publick audience of the haill Assemblie, whither it were lawfull and expedient, that the Ministrie, [as] representing vndoubtedlie the Kirk within this realme, shuld have vote in Parliament, or not.

The said question being at verie great lenth reasonit and debattit in vtramque partem, in presence of the haill brethren, and thereafter vottit, the Generall Assemblie votis, [finds,] and concludis, that it is necessar and expedient for the weill of the Kirk, that the Ministrie, as the thrid Estate of this realme, in name of the Kirk, have vote in Parliament.

Sessio 12^a. 14 Martij.

Concerning the number of the Ministrie that shuld have vote in Parliament in name of the Kirk, it was lykewayes concludit and thocht expedient, that als many of them shuld be chosin for the vote [in Parliament] as was wont of auld, in tyme of the Papistickall Kirk, to be Bischops, Abbots, and Pryours, that had the lyke libertie, viz. to the number of fiftie and ane, or therby.

Item, After reasoning, it was vottit and concludit, that the electioun of sck of the Ministrie as shuld have vote in Parliament, aucht to be of ane mixt qualitie, and appertaine partlie to his Majestie, and partlie to the Kirk. And because, through shortness of tyme, the brethren could not be perfytelie resolvit in the remanent heids and circumstances concerning the office of him that shuld have vote in Parliament, viz. de modo eligendi; of his rent; of the continuance of his office, whither he shuld be chosin ad poenam, or not; of his name; of the cautions for preservatioun of him from corruptiouns, and sck vther circumstances: Therfor the Assemblie ordaines every Presbytrie to be rypelie and throughlie advysit with the particular heids above wrytin; and thereafter to convocat thair Synodall Assemblies through the haill countrey vpon ane day, quhilk shalbe the first Tueday of Junij nixt to come, and ther, after new reasoning and advysement of the particular heids above wrytin, that every Synodall choose out thrie of the wyfist of thair number, quho shalbe readie vpon his Majesties advertisement, quhilk shalbe vpon ane moneths warning at the least, to conveyne with his Majestie, together with Doctours of the Vniversitie, viz. Mrs Andro Melvill, Jobne Johnstoun, Robert Rollock, Patrick Sharpe, Robert Howie, Robert Wilkie, and James Mertin, sck day and place as his Majestie shal think expedient, with power to them to treat, reason and conferre vpon the saids heids, and vthers pertaining thereto; and in case of aggriement and vniformitie of opiniouns, to vote and conclude the haill questioun concerning vote in Parliament: vtherwayes, in case of discrepance and variance, to referre the conclusioun therof to the nixt Generall Assemblie.

For better observing of the Presbyteries, It is statute or ordainit, that every Presbytrie shal assemble themselves once ordourly, ilk weike in thair full number, at the least so many of them as hes thair residence within aucht myles to the place of the ordinar conventionn of the Presbytrie.

That every member of the Presbytrie studie the text quherypon the exercise is to be made.

That a commoun heid of religioun be intreattit every moneth in ilk Presbytrie, both be way of discourse and disputation.

That every Pastour have ane ouklie exercise of instructioun and examination of ane part of his congregatioun in the Catechisme.

Quhilkis haill heids are ordainit to be observit vnder the paine of incurring the censures of the Kirk.

Sessio ultima. Eodem die.

Anent the Protestatioun given in be Mr John Davidstone, for himselfe and in name of certaine brethren, as he alledgit, protelling, that this present Assemblie was not ane frie Assemblie; quhilk his Protestatioun he desyrit to be insert in the bookes of the Assemblie.

It being inquirit be the Moderatour, if any man wald adhere to the said Protestatioun: There was none found that wald adhere to the same, nor was of the said Mr John his opinioun thereanent; and therefore the brethren dischargeit the Clerk to insert the same in the books of the Assemblie.

The brethren having red and considerit the paines and travells takin be Mr Patrick Sharp, Principall of the Colledge of Glasgow, and his Lessouns vpon the Catechisme and grounds of religioun, allowis of the same, and thinks them very necessar and profitable; and therfor ordaines them to be printit.

Becaule the questioun anent summar excommunication, for lake of tyme, cannot be commodioully intreatit at this present, therefor the brethren continewis the same quhill the next Assemblie: in the meane tyme suspends all summar excommunication.

Becaule ther hes bein no ordour sett downe hitherto anent the number of Commissioners [to be] direct from every Presbitrie to be sent to the Generall Assemblie, Therfor it is statute and ordanit, that, in all tyme comeing, thrie of the wyfest and the gravest of the brethren salbe direct from every Presbytrie at the most, as Commissioners to every Assemblie; and that none presume to come but commillioun, except they have a speciall complaint; and that the Clerk of the Assemblie take heid to receive no more in commillioun bot thrie allanerlie, as said is; and lykewayes that ane be direct from every Presbytrie in name of Barrones, and ane out of every

burgh except Edinburgh, quhilk fall have power to direct two Commiffioners to the Generall Affemblie.

Anent the fupplicatioun givin in be the Towne of Dundie, craveing ane vther Minifter to be appointit to them in place of William Chrystefone, quho through age is not able to difcharge his calling : The brethren thocht their defyre reafonabill ; and having appointit on the leits Mrs Johne Hall, Minifter at Leith, and Robert Howie, Principall of the New Colledge of Aberdein, be pluralitie of vottis, Mr Robert Howie was chofin to be Minifter at Dundie, and ordainit to be transportit with all poffible diligence.

Because it was reportit that the Miniftrie of Orknay had dilapidat thair benefices be fetting of tackis of the rent of the fame, to the great hurt and prejudice of the kirks, Therfor it is statute and ordainit, that none of the Minifters of Orknay or Zetland fett any tacks of any part of the fruites of thair benefices, nor get give thair consent to the tackis that falbe fett be vthers, in any tyme comeing, vnder the paine of deprivation.

Because it was reportit be certaine of the brethren, that notwithstanding of the actis of the Affemblies proceeding againft faillors and traffiquers with Spaine, the faid traffique was not intermittit, Therfor the Affemblie ordaines the acts made anent the faids traffickers to be put to farther execution in all points, but any refpect of perfons.

The Affemblie hes ordainit the Prelbitries of Dundie and Arbroth to fummond befor them the Counteffis of Huntlie, Sutherland, and Cathnes, to fubfcrive the Confefsioun of Faith, vnder the paine of excommunicatioun ; quhilk fummounds falbe execute be Mr William Paip, quho fall fummond the Ladie Cathnes ; Alexander Dowglas, the Ladie Huntlie ; and George Monro, the Ladie Sutherland.

The brethren ordaines the nixt Generall Affemblie to be haldin at Aberdein, the firft Tuefday of July 1599 zeirs.

[By the Kings Proclamations the next General Affembly was appointed to be holden at Montroffe in March. C.]

A. D. M. DC.

THE Generall Assemblie of the Kirk of Scotland haldin at Montrois, the 18 of Marche 1600 zeirs: Quher the Kings Maiestie being personallie present, were conveynit the Commissioners of Schyres.

Sessio 1^a.

Exhortatioun being made be Mr Peter Blackburne, Moderatour of the last Assemblie, Mrs Robert Bruce, Patrick Galloway, Robert Wilkie, Patrick Sharp, James Melvill, and Patrick Simfone, were appointit on the leits: Be pluralitie of votis Mr Robert Wilkie was electit Moderatour hac vice.

Sessio 2^a. Eodem die.

The Commissioners appointit in the last Generall Assemblie for visitatioun of the kirks within every Presbitrie, as are particularlie divydit in the said Commillioun, being requyrit quhat diligence they had done in discharge of the said commillioun: It was answerit for the most part of them, that they were not able to discharge any part of the said commillioun, in respect they wantit moyen to make thair expenllis during the tyme of the visitatioun: and therfor the Assemblie thocht good that it shold be meanit to his Maiestie, that through intake of expencis the worke of visitatioun

was lyke to ceafe, and to crave that fome remeid may be provydit therto.

Forfameikle as it was regratit, that the aēt made in the laſt Affemblic, anent the ordinar keeping of Prefbytries, and the reforting therto, was not regardit be fundrie of the Miniſtrie, and ſpeciallie be them of the Prefbitries of Air and Irwing: Therfor the Generall Affemblic ordaines the ſaid aēt to be put to executioun in all points, throughout all the Prefbitries within this realme; and quhoſoevir contemnes and violats the ſamein, after twyfe admonitioun, that he be ſuſpendit from his miniſtrie: ordaining the viſitors, that falbe appointit fra this Affemblic, to report to the nixt Affemblic quhat diligence they find done, tuiching the keeping of the ſaid aēt.

Seſſio 3^a. 19 Martij.

Anent the ſuppliation givin in be the Synodall of Galloway, making mentioun, that quher they had ane aēt for the erecting and bigging of ane kirk at the burgh of Stranrawer, within the Prefbitrie of Wigtoun, and annexatioun therto of the 20 pound land of the parochine of the Inche, lyand towards the coaſt of Ireland, pertaining to the Lairds of Garthland, Stranrawer, Kinhilt, and Sorbie, with the 29 mark land of the parochin of Salfett, the fyve mark land of Auchterlure, and fyve mark land of Stranrawer, as being moſt commodious for the inhabitants of the ſaid lands, for reforting to the ſaid kirk for heiring of the Word; vnto the quhilk erectioun and annexatioun forſaid, the heritours and kyndlie tennents of the ſaid lands, hes alreadie givin thair conſent: deſyreand, therfor, the Generall Affemblic will ratifie and approve the ſame, as at mair lenth is conteinit in thair ſuppliation. The Generall Affemblic [ratifies and] approves the erecting [and annexatione] forſaid, of the ſaid Synodall of Galloway in all points.

Becauſe the generall queſtioun was proponit to the hail Affemblic, quher congregatiouns are ſo ſpacious, that a great part therof may not commodiouſlie refort to thair awin paroch kirk, be reaſon of the great diſtance of thair habitatioun therfra, If it be lawfull to ane number of the ſaid congregatioun to big ane new kirk, and intertaine a Paſtor at the ſame

vpon their awin expenlis : The Generall Assemblie, after lang reasoning, thinks it both lawfull and expedient, and declares they will assill the samein as a godlie wark, and will crave the samein to be ratified in Parliament, how so oft it fall occurre.

Becaufe it was reportit, that a great number of gentlemen, and vthers of this realme, wilfullie and obstinatelie abtaines from the holie communion ; some vnder collour of deadlie feids, and some for some vther licht causes : Therfor, for remeid of the said abuse, it is statute and ordainit, That all Presbitries, within this realme, give expresse charge and command to every particular Minister within their bounds, charging them to take vp the names of all them within their parochines, quho hes not communicat ilk zeir anes at the leist ; and therafter summond them [to compeir] befor the Presbitrie, to heir and lie themselves decernit to communicat within thrie monethis nixt after the charge ; certifieand them and they failzie, the aēt of conventioun made aganis non communicants salbe put to executioun aganis them : quhilk being done, and the saids persons, non communicants, remaining obstinate, and the saidis thrie monethis expyred, that the Presbitries delate the names of the saids non communicants to the Kings Maiestie, to the intent the forsaid aēt of conventioun made against non communicants may be put to executioun aganis them : And in the parochin quher ther is no Minister, that this ordour be supplied be the Presbitrie within the quhilk the said paroch lyes.

Forlameikle as it was heavilie lamentit in the Kings Maiesties prefence, that quhenas fundrie of the Ministrie were occupied in their lawfull calling, in persewing malefactours, such as adulterers, murtherers, and vther slanderous persons, vrging them to purge [themselves of] the scandals commitit be them, conforme to the statutes of the Kirk, daylie observit within this realme, that at such tymes they were drawin from their calling, and chargit to compeir befor the Secreit Counsell, be letters privielie obtainit vpon false narratives be the saids slanderous persons ; quherby not only were they distraētit from their lawfull functionis, but also the discipline of the Kirk and punithment of vyce [was] greatlie [neglectit and] contemptit : Therfor the brethren of the Assemblie most humblie requeills his Maiestie not to suffer such contempt of the discipline of the Kirk, quherby the brydle wald be lousit to all impietie and licentious living.

To the quhilk his Maiestie promitt, that, in tyme comeing, no letters sould

be direct from the Secret Counsell, at the instance of any person, aganis any Minister in particular, or any Presbitrie in generall, for quhatsoever thing he or they fall doe in the executioun of their offices, befor the person, requyrer [of the saids letters,] produce ane testimoniall under forme of ane instrument de denegata justitia of the Minister or Presbytrie judge ordinar.

Sessio 4^a. Eodem die, post meridiem.

The brethren appointit to await vpon the Kings Maiestie, for advyseing of such articles as fould be cravit of the nixt Conventioun for taking ordour with Jesuits, Papists, Seminarie Priests, &c., hes, with the Kings Maiesties advyse, formed the articles vnderwrytin, to be givin in to the nixt Conventioun.

1. That all Jesuits and Seminarie Priests, excommunicat and trafficking Papists, that fall happin, in any tyme comeing, to returne within the countrey, or that are presentlie within the countrey, fall, immediatlie after thair delatioun to his Maiestie, be apprehendit and put in ward, ther to be detainit ay and quhill they be convertit to the religioun, or els punischt according to the acts of Parliament, or els removit aff the countrey.

2. That the resettlers of obstinate excommunicat Papists, and thair cheife friends and acquaintances, in whose houses they haunt, be chargit to find catioun, vnder a pecuniall paine according to thair abilitie and rank, that they fall no way receit nor intertaine the said excommunicats.

3. That all excommunicat Papists be chargeit to satisfie the Kirk within the space of thrie monethis, vnder the paine of horning; and if they failgie, to be denunciit therto, that thair escheitts and lyferents, in cace of geir and dayes rebellioun, may be intromettit with be his Maiesties Thesaurer, and not disponit to any donatour.

4. That the Marqueis of Huntlie be chargeit to [exhibit and] present before his Maiestie and Secret Counsell, John Gordoun of Newtoun, Patrick Butter, and Alexander Leslie, according to his band, that they may be committit to ward ay and quhill they satisfie the Kirk.

Bonytoun Zonger, alledgit resident within the Presbitries of Ellon, Aberdeine, and Breichin, is ordainit be the General Assemblie to be convenit befor the Presbitrie of Brechin, and ther to offer his satisfiactioun as to his judges ordinar.

Tarwes, and Methlik, kirks of the Synodall of Aberdeine, vpon the xj day of November 1597 zeirs, with mutual consent of the parochiners, and heritors of the lands to be interchangit and annexit, with consent of the said Synodall, excambit certaine lands, and annexit them in respect of the farre distance from their awin paroch kirks, and contiguitie to the kirks quherunto they are annexit, but prejudice alwayes of their rents of the Personage and Viccarrage of the saids lands, to be payit to the auld Persons and Viccars, as befor the said excambion. The Generall Assemblie, at the desyre of the said Synodall, ratifies and approves the said excambion and alteration in all points, and ordaines the samein to take full effect.

Forfameikle as diverse and great inconveniences arifes daylie through the vntymeous marriage of young and tender persons befor they come to age meit for marriage; and that ther is no law, nor statute of the Kirk, [made] as yet desyning the age of persons to be married: Therfor it is statute and ordainit, that no Minister within this realme presume to joyne in matrimonie [any persones], in tyme coming, except the man be of fourtein zeirs, and the woman of twelve zeirs at the leist: ordaining lykewayes the Commissioners of the Generall Assemblie to desyre this statute to be ratified in the Conventione.

Anent the questioun, Whither a man being blind may discharge all the parts of the office of a Pastor; and in speciall anent the admissioun of Mr Johne Boyle to the ministrie of Jedburgh, being blind: The Assemblie referres the ansuer of the generall questioun to the next Generall Assemblie.

And as to the admissioun of the said Mr Johne, referris it to the Commissioners of the said Generall Assemblie; and in the meanetyme discharges the said Mr Johne fra vsing any part of the office of a Pastour, except the preaching of the Word.

Because the mariage of persons convict of adulterie, is a great alluremeent to married persons to committ the said cryme, thinking therby to be separate from their awin lawfull halfe marrowes, to enjoy the persons with quhom they have committit adulterie: for eschewing quherof, the Generall Assemblie thinks it expedient, that ane supplicatioun be givin in to the next Conventioun, craveand ane act to be made, dischargeand all mariages of such persons as are convict of adulterie; and that the samein be ratified in the next Parliament: ordaining the brethren appointit to awaite vpon the next Conventioun to give in this article with the rest.

Sessio 6^a 20 Martij, post meridiem.

Forfameikle as, in the last Assemblie, ther was commiffioun givin to every Synodall within this realme, to elect and choofe out thrie of the wyfest of thair number, to be readie vpon his Majesties advertifement, and to conveyne with his Hienes, and treat vpon fuch heids, concerning vote in Parliament, as were not condiscendit vpon in the last Assemblie, and, in cace of agriement, to conclude the haill matter; vtherwayes to referre the fame to the nixt Assemblie, as at mair lenth is conteinit in the faid commiffioun: conforme to the quhilk, the faids Commiffioners being conveynit at Falkland, the 25 day of Julij 1598, they being rypelie advyfit with the heids following, gave thair advyce and conclusioun, as follows:

1. Concerning the maner of choofing of him that fall have vote in Parliament in name of the Kirk: It is condiscendit vpon, that he fall first be recommendit be the Kirk to his Majestie; and that the Kirk fall nominat fixe for every place that fall have neid to be filled, of quhom his Majestie fall choofe ane, of quhom he best lykes; and his Majestie promifes, obleifes, and binds himfelfe to choofe no vther but ane of that number: And in cace his Majestie refuses the haill vpon ane just reason of ane insufficiency, and of greater sufficiencie of vthers that are not recommendit, the Kirk fall make ane new recommendatioun of men according to the first number, of the quhilk, ane falbe chofin be his Majestie without any farther refusall or new nominatioun; and he that falbe chofin be his Majestie, falbe admittit be the Synods.

2. It is concludit, that the Generall Assemblie fall have the nominatioun or recommendatioun of him that, in the name of the Kirk, fall vote in Parliament, quho fall take the advyce of the Synods and Presbytries theranent, direct from them in wryte: and the Synod fall have libertie to nominat asweill within thair province as without; provyding that there be a man within the province meit for the place, ceteris paribus, he be preferrit to another.

3. Anent his rent: It is advyfeit, with one consent, that the Kirk being plantit sufficientlie, the Colledgis and Schooles alreadie erectit not prejudgeit, that the Kings Majestie fall provyde him to all the rest that may be obtainit of that benefice, quherto he is preferrit.

As to the cautions to keip him, that fall have vote in Parliament, from corruptiouns : They be these following :

1. That he presume not, at any tyme, to propone at Parliament, Counsell, or Conventioun, in name of the Kirk, any thing without expresse warrand and directioun from the Kirk, and lick things as he fall answer [for] to be for the weill of the Kirk, vnder the paine of depolitioun from his office : neither fall he consent, or keip silence, in any of the saids Conventiouns, to any thing that may be prejudiciall to the weill and libertie of the Kirk, vnder the samein paine.

2. He fall be bound, at every Generall Assemblie, to give ane accompt anent the discharge of his commissioun sen the Assemblie gangand befor ; and fall submitt himsele to thair censure, and stand at thair determinatioun quhatsumever, without appellatioun ; and fall seik and obtain ratificatioun of his doings at the said Assemblie, vnder the paine of infamie and excommunication.

3. He fall content himself with that part of the benefice quhilk salbe givin in be his Majestie for his living, not hurting nor prejudging the rest of the Ministers of the kirks, within his benefice, plantit or to be plantit, or any vther Minister [of the countrie] quhatsumever ; and this claus to be insert in his provisioun.

4. He fall not delapidat in any wayes his benefice, neither make sett nor dispositioun therof, without the special consent of his Majestie and Generall Assemblie : and for the greater warrand heirof, he fall interdyte himsele not to delapidat his benefice, nor consent to delapidatioun thereof made be vthers to the Generall Assemblie ; and salbe content that inhibitiouns be raised on him to that effect.

5. He salbe bound faithfullie to attend vpon his awin particular congregatioun, quherat he salbe Minister, in all the points of a Pastor ; and heiranent salbe subiect to the tryall of his awin Presbitrie and Provinciaill Assemblie, as any vther Minister that beares not commissioun.

6. In the administration of discipline, collatioun of benefices, visitatioun, and all vther points of ecclesiasticall government, he fall neither vsurpe nor acclaime to himsele any power or jurisdictioun farther than any vther of the rest of his breither, unlesse he be imployit be his breither, vnder the paine of deprivation : And in cace he vsurpe any part of ecclesiasticall government, and the Presbitrie, Synodall, or Generall Assemblie, oppone

or make any impediment therto; quhatsoever he doe, after that impediment, to be null, ipso facto, without any declaratour.

7. In Presbitries, Provinciaill and Generall Assemblies, he shall behave himselfe in all things, and be subject to their censureing, as any of the brethren of the Presbitrie.

8. At his admittance to his office of Commissioner, thir and all vther points necessar he shall sweare and subscribe to fulfill, vnder the paine of the penalties forsaids; and vtherwayes not to be admittit.

9. And in case he be deposit be the Generall Assemblie, Synod, or Presbitrie, from his office in the Ministrie, he shall also tyne his vote in Parliament, ipso facto, and his benefice shall vaik.

And farther cautions to be made as the Kirk pleases and finds occasioun.

Anent his name that for the Kirk shall [have] vote in Parliament: It is advyseit, be vniforme consent of the haill brether, that he shalbe callit Commissioner of such a place; and in case the Parliament, be his Majesties moyen, be inducit to acknowledge that name, it shall stand so: if not, the Generall Assemblie shall conclude this questioun anent his name.

The questioun being demandit, Whither the commissioun of him that for the Kirk [shall vote in Parliament,] should indure for his lyfe tyme, except some cryme or offence interveine, or for a shorter tyme at the pleasure [of the Kirk]: The Commissioners of the Provinciaill Assemblies being of diverse opiniouns, thocht good to referre this questioun to the next Generall Assemblie.

Quhilks haill conclusiouns being red in presence and audience of the haill Assemblie, and they being rypely advyseit therwith, ratified, allowit, and approvit the samein; and thocht expedient that the said cautiouns, together with sick vthers as shalbe concludit vpon be the Assemblie, be insert in the bodie of the act of Parliament, that is to be made for confirmatioun of vote in Parliament to the Kirk, as most necessar and substantial parts of the samein.

Anent the supplicatioun givin in be James Leirmonth, gonger of Dairlie, James Kynninmonth of that ilk, Johne Traill of Blebo, for themselves, and in name of thair tennents, and vthers, parochiners of the paroch of Sanct Androes, makand mentioun, That albeit they are parochiners of the said paroch kirk, lykeas they and thair predeceffours hes bein [continually subject to the discipline of the said kirk, and hes been] ever readie to vnderly

quhatfoevir burdein was impolit for furtherance of the faid kirk, and con-
curre with the rest of the parochiners, according to thair rent and portioun
of the faid paroch : nevertheles the Ministrie and Sellioun of the faid kirk
refuses to suffer them and thair faids tennents to enjoy the benefits of the
Kirk with the remanent of the faid paroche ; but debarres them from the
heiring of the Word, receiving of the sacraments, and benefite of marriage,
within the faid kirk of Sanct Androes, but any reasonable cause : De-
fyreand, therfor, ane command to the Ministrie and Sellioun of the faid
kirk of Sanct Androes to admitt the forsaids persons and thair vassalls to
the hearing of the Word in the faid kirk of Sanct Androes, and the enjoy-
ing of the haill remanent benefites of the Kirk, as at mair lenth is conteinit
in the faid supplicatioun.

The Generall Assemblie having considerit the premisses, commands and
ordaines the Ministrie and Sellioun of the faid kirk of Sanct Androes to
admitt the faids complainers, and thair vassalls and tennents, parochiners
of the faid kirk, to the hearing of the Word, mariage, and receiving of the
sacraments of the Kirk, within the faid kirk of Sanct Androes, as thair
proper paroch kirk, in all tyme comeing, ay and quhill thair awin content
be obtainit in the contrair.

Sessio 7^a 21 Martij.

Anent the supplicatioun givin in be the parochiners of Tulliebodie, make-
and mentioun, Albeit the faid paroch of Tulliebodie be ane auld paroch,
separate from all vthers, having within ittselfe the number of foure or fyve
hundreth communicants or thereby, and payes thair teinds to the Abbot
of Cambuskenneth, quho rigoroullie exacts the same : Neverthelesse the
Presbitrie of Striveling hes, be thair ordinance, commandit the faid kirk of
Tulliebodie to be vnittit to the Chappell of Alloway most wrangoullie ;
seeing the faids complainers, be ane anterior command of the said Pres-
bitrie, not only reedified thair faid Kirk of Tulliebodie, but also, vpon
thair awin charges, furnisheit a Pastor to the faid kirk ; lykeas yet they are
most willing to doe, notwithstanding thair teinds are most wrangoullie led
away be the faid Abbot, as faid is : delyreing, therfor, thair faid supplica-
tioun to be considerit, and the faid unioun to be dissolvit, as, at mair lenth,
is conteinit in the faid supplicatioun.

The brethren of the Presbitrie of Striveling being callit to give a reason of this thair vnioun of the said kirks, anfuerit, That the cause moving them was, First, That both the saids parochines lay verie commodioulle to the said kirk of Alloway: Secondlie, That the number of both the saids parochines wald make but one sufficient congregatioun: Thirdlie, That ther could not be ane stipend obtainit to the said kirk of Tulliebodie, in so farre that at the desyre of the saids complainers, ther being ane Pastour appointit to the said kirk, vpon promise that they wold furnishe him a sufficient stipend, he was forcit, for povertie, for to leave them: quheras, be the contrair, be the vnioun of the said two kirks, the Erle of Marre furnishes a sufficient stipend to ane Pastour, resident at the same.

The Generall Assemblie having considerit the premisses, ratifies and approves the vnioun of the saids kirks of Alloway and Tulliebodie, and ordaines Alloway to be the paroch kirk in all tyme coming.

Anent the supplicatioun givin in be the Presbitrie of Deir, makand mention, that quher the Laird of Phillorth having erectit ane Colledge vpon the towne of Fraferburghe, and aggreit with Mr Charles Ferme to be both Pastour of the said burgh, and Principall of his Colledge; quhilk burdein the said Mr Charles refuses to accept vpon him, without he be commandit be the Generall Assemblie: Desyreand, therfor, ane command to be givin to the said Mr Charles to accept both the said charges, as at mair lenth is containit in the said supplicatioun:

The Generall Assemblie having at length considerit the necessitie of the said wark, and how the said Laird of Phillorth hes refusit to intertaine a Pastour at the said kirk, vnlesse he vndertake both the said charges, Therfor commands [and charges] the said Mr Charles Ferme to vndertake and awaite vpon, asweill the said kirk, as to be Principall of the Colledge of Fraferburghe.

Sessio 8^a. Eodem die.

Forfameikle as the Commissioners of the Synodalls conveinit at Falkland, the 25 of Julij 1598 zeirs, being of diverse opiniouns concerning the continuance of his commissioun that sall have vote in Parliament, Whither he sould indure for his lyfetye, except some cryme or offence interveine, or

for a shorter tyme, at the pleasure of the Kirk, they thocht good to referre the same to this present Assemblie : Therfor the Generall Assemblie having reasonit at length the said questioun, touching the continuance of him that shall have vote in Parliament, after votting of the same, finds and decernes, that he shall annuallie give count of his commission obtainit from the Assemblie, and lay downe the same in at their seitt, to be continuit or alterit therfra be his Maiestie and the Assemblie, as the Assemblie, with consent of his Maiestie, shall think most expedient for the weill of the Kirk.

It is statute and ordainit, that nane of them that shall have vote in Parliament, shall come as Commissioners to any Generall Assemblie, nor have vote in the same in any time coming, except he be authorizit with a commission from his awin Prelbitrie to that effect.

It is found be the Assemblie, that crimen ambitus shalbe a sufficient cause of deprivation of him that shall have vote in Parliament.

It is statute and ordainit, that every Minister intimat this Generall Assemblie, that the vote in Parliament is concludit be the Assemblie ; and that nane vther speich in pulpitt contrair the same.

Forsameikle as it hes bein found necessar of before, and profitable for the weill of the Kirk, that certaine Commissioners be appointit fra Assemblie to Assemblie, whose speciall care and travell shold be to give their advyce to his Maiestie in all affaires concerning the weill of the Kirk, and intertainment of peace and concord betuixt his Maiestie and the Kirk : Therfor the Generall Assemblie, continowing in that same course, hes givin and grantit, lykeas be the tenour heirof gives and grants, thair full power and commissioun to Mrs Johne Strachane, James Nicollson, Andro Mylne, Alexander Forbes, Alexander Dowglas, Robert Howie, James Melvill, Johne Caldeleuch, Robert Wilkie, Harie Livingstoun, Alexander Lindsay, George Glaidstones, Robert Pont, David Lindsay, Robert Bruce, Johne Hall, Johne Clappertoun, Johne Knox, Andro Lamb, James Lowson (Law ?) Johne Spottiswood, Gawin Hamiltoun, David Barklay, Andro Knox, with the Kings Maiesties Ministers, or any nine of them ; Giveand, grantand, and committand to them thair full power to plant such kirks in Burrough Townes as are destitute of Pastours ; and in speciall, the kirk of Leith, in place of Mr Johne Hall last removit therfra, and the southweist kirk of Edinburgh, vaikand be the deceis of vmquhile Mr Robert Rollock : to present the greives of this present Assemblie to the nixt Con-

ventioun, and to receive the anfuers of the famein. And lykewayes, in cace his Maieftie find himfelfe greivit at any enormities committit be any of the Miniftrie, to try and cognofce vpon the famein, and take fick or-dour theranent as falbe meiteft to the glorie of God, and weill of the Kirk ; to advyfe with his Maieftie anent the effectuating of the constant platt : Promitten de rato &c.

Thir are the Commiffioners appointit to await on the Conventioun ; Mrs David Lindfay, Robert Bruce, James Nicolfone, Andro Lamb, William Couper, Alexander Lindfay, Johne Spottifwood, with the Kings Maiefties Minifters.

Becaufe it was vnderftand be the Affembly, [that Mr Andrew Lamb,] Minifter at Aberbrothok, was liklie to be tranfportit to fome vther flock, quher his gifts might profite the Kirk in fome greater aboundance : Ther-for the Generall Affembly gives licence to the faid Mr Andro Lamb to be tranfportit from the faid kirk of Aberbrothok.

The faid day, the Generall Affembly receivit and admittit Mr Thomas Hope to be Solifter for the Kirk in place of James Mowat ; quho being perfonallie prefent, dimittit the fame in the Affemblyes hands, after the faid Mr Thomas had givin his oath of fidelitie in the faid office.

Anent the proceffe of appellatioun perfewit be James Lord Lindfay of the Byres, and remanent gentlemen and parochiners of the paroch kirk of Seiris, aganis the Prefbyteries of Couper and Sanct Androes, concerning the admiiffioun of Mr Robert Buchannan, Proveft at Kirkheuch, to the Miniftrie [at the kirk] of Seiris, and tranfportatioun of him from the kirk of Forgane in Fyfe : The brethren appointit to vifite the faid proceffe, having made thair report to the haill Affembly, the rights, reafons, and allegatiouns of all the faid pairties beeand [heard and] confidderit, The General Affembly decernes and ordaines the faid Mr Robert to remaine Minifter at tke faid kirk of Seiris : And fick lyke gives thair power and commiffioun to Mrs James Melvill, Robert Wilkie, James Nicolfone, Alexander Lindfay, and William Scott, giveand them power to elect and choofe out a difcreit man, with confent of the faids parochiners of Seiris, to be adjoinit to the faid Mr Robert as Minifter and fellow helper with him at the faid kirk of Seiris ; with power alfo to them to modifie how mikle of his flipend falbe modified [payit?] be the faid Mr Robert, and how mikle be the faids parochiners of Seiris. And in speciall, the Affembly

recommends vnto them thair brother, Mr William Symfone, Minister at Bruntiland.

Forfameikle as there are diuerſe parts of the countrey, that, for lake of viſitatioun, are become almoſt deſolate, Therefor the Generall Aſſemblic hes thoelt good that certaine viſitours be directit for viſiteing of the bounds of Kirkudbright and Wigtoun, Mrs David Barklay, Alexander Scrymgeour, and Nathan Inglis; of the bounds of Murray, Mrs George Hay and Andro Crombie; of the bounds of Orknay and Cathnes, Mrs Robert Pont, John Monro elder, and John Monro zonger; of the bounds of Roſſe, Mrs Alexander Dowglas, Johnne Carmichaell, and William Scott; and for Nitheſdaile, Mrs Robert Wallace and Johnne Welſche: with power to them to inquire in the lyfe, doctrine, and qualificatioun of the Miniſtrie within the ſaids bounds; to try the ſayers and heirars of meſſe within the ſamein: with power alſo to plant and transport Miniſters to ſuch places as they ſhall think moſt expedient for the glory of God and weill of the Kirk; and to report to the nixt Aſſemblic.

Becaufe the Iland of Errone lyes moſt commodious and adjacent to the Preſbitrie of Irvin, Therfor the Generall Aſſemblic annexis the ſame to the ſaid Preſbitrie.

Anent the ſuppliation givin in be the Preſbitrie of Migle, makand mentioun, That ſeeing the ſaid Preſbitrie had vnited the kirks of Effie and Neua to be and remaine a congregatioun vnder the charge of ane Paſtour, at ane kirk to be biggit in the mids of the ſaids two parochines; partlie in reſpect of the ſewnes of the number [of] both the ſaids parochines, not extending [to] the number of fyve hundreth perſons; partlie in reſpect of the commoditie of the place, ſeeing the fartheſt part of both the ſaids parochines will not be diſtant halfe a myle from the place, quher the ſaid kirk ſould be biggit; and partlie in reſpect of the impoſſibilitie of moyen to ſuſtaine two fundrie Miniſters at the ſaids two kirks: Deſyreing, therfor, ane ratificatioun of the vnioun in this Aſſemblic, together with a command to the brethren direct to the Eſtates conveinit at Perth, to crave the ſamein to be ratified in the ſaid Conventioun, as at mair lenth is conteinit in the ſuppliation:

The Generall Aſſemblic ratifies and approves the vnioun forſaid; and ſicklyke [ordaynes] the brethren appointit to gang to the Conventioun at Perth, to crave the ſaid vnioun to be ratified in the ſaid Conventioun.

Anent the appellatioun perſewit be the Preſbitrie of Dumfermling fra

the decreit pronuncit be the Synodall of Fyfe, haldin at Couper the 6 of Marche 1598, finding that the said Presbytrie had done wrong in planting of the kirk of Dalgatie with hurt and prejudice of the Kirk of Aberdoure, being the most great and populous congregatioun, and the haill stipend being but a meane stipend, and therfor decernand the haill stipend to remaine with the kirk of Aberdoure : The said Presbytrie of Dumfermling compeirand be Mr Johne Fairfull, Minister of Dumfermling, thair Commiffioner, and the Commissioners of the Synodall of Fyfe being lykewayes present, with the Commissioners of the Towne of Aberdoure, the rights and reasones of both the saids parties hard and confidderit, The Generall Affemblie decernes and ordaines Mr William Patoun, Minister at Dalgatie, to serve the cure of both the saids kirks of Aberdoure and Dalgatie, and to have assignit to him for his service thereat, the haill auld stipends of Aberdoure and Dalgatie befor the divisioun therof, for the crope and geir of God 1599, and geirlye in tyme comeing, ay and quhill sufficient provisioun may be gottin for planting of both the saids kirks.

The Generall Affemblie grants libertie to Mr William Symfone, Minister at Bruntland, to transport himselfe from the said kirk, in respect he hes servit therat thir many geirs bygane, but any stipend ; and the Queines Maiestie and her Chamerlanes, quho was in vse of payment of before of the Ministers at the said kirk, refuses to make payment to the said complainer of the samein : and therfor recommends him to the Synodall of Fyfe, to have confideratioun of him in planting of their kirks.

The next Generall Affemblie is appointit to be haldin at Sanct Androes the last Tuesday of Julij 1601.

[The General Affemblie appointit to be hauldin at Sanct Andros was be the Kings proclamation at Mercat croffes, commanded to be keipit with him at Brunteyland in the monethe of May. C.]

A. D. M.DCI.

THE Generall Assemblie of the Kirk of Scotland, haldin at Bruntiland, the 12 day of May 1601 zeirs. In the quhilk the Kings Majestie with his Commissioners of the Nobilitie and Burrowes, were present.

Sessio 1^a.

Exhortatioun being made be Mr Robert Wilkie, Moderatour [of the last Assemblie,] the brethren proceedit to the electioun of ane new Moderatour : and Mrs Patrick Galloway, Patrick Simfone, Patrick Sharpe, Johne Hall, and James Robertfon, being put on leits ; be pluralitie of votes Mr Johne Hall was chofen Moderatour hac vice.

Sessio 2^a 14 Maij.

The quhilk day the brethren having entrit in consideratioun of the generall defectioun from the puritie, zeale, and practife of trew religioun in all estates of the countrey ; and how that the same must of necessitie, at last, be concludit either in Papistrie or Atheisme, within short space, in the righteous judgement of God, except some substantialious remeid be provydit therto in tyme ; and because the evill cannot be weill curit unlesse the originall springs and [speciall] causes therof be rypit up : Therfor the bre-

thren, after mature deliberatioun and weying of the causes of the said defectioun, hes found the principall causes therof to be, as followes.

Causes of the defectioun from the puritie, zeale, and practise of true religioun in all estates of the Countrey : And how the same may be most effectuellie remeidit.

The principall cause of this fearefull change, no doubt, is the iust wrath of God kindlit against the haille land for the vnreverent estimation of the Gospell, and for the sins of all estates, and dishonouring of their professions, and making the name of God to be blasphemed through the profane world without remorse.

Laik of care and diligence vpon the part of the Ministrie, in the discouerie of them that makes apostasie to Papistrie ; and negligence in executioun of the lawis and discipline aganis sick as happins to be discoverit.

Want of Pastours, and vnplantit kirks, and displanting of kirks, quhilk hes bein provydit, be diminutioun of the Thrids.

Neglecting of places that are of cheifest importance to the interest of religioun, in not planting sufficient Pastours therat, sick as [are] her Majesties house, the Princes house, the Erles of Huntlie, Erroll, and Angus houses, and places of their cheifest residence ; the Lord Hoomes house, the Lord Herries house, and cheife places of their residence ; the towne of Dumfreis, and vthers of the Nobilitie and [of] greatest power within the countrey.

The ovir hastie admissioun of men to the Ministrie, befor they be knowin to be of sufficient gifts and experience to discharge fruitfullie that high calling [in] thir difficile tymes.

The negligence of the Ministrie in advancing of their knowledge, be ever continuall and constant reiding of the Scriptures, and controversies of the tyme ; quherthrow they might be able to bring the consciences of their auditors in subiectioun to the obedience of the Gospell, and convince of the adversarie.

Negligence in the lyves of the Ministrie, not frameing their conversatioun in gravitie as paterns of lyfe to the peiple ; bot frameing themselves excessively to the humours of men, especiallie in communicatioun at tables, and giving sometymes examples of intemperance, [and] in the light and prodigall abulzements of their families.

The distractioun of myndis quhilk is supposid to be in the Ministrie; [and] the distractioun quhilk is supposid to be of his Majesties mynd from some of the Ministrie.

The advancing of men suspect in religioun, and knawin to be evill affectit to the good cause, vnto offices, honours, [and] credit in Court, Counsell, and Sellioun, and vther rowmes of great importance within the country.

The desolatioun of the Kirk of Edinburgh through the want of Pastours.

The continuall residence and intertainment of the Ladie Huntlie, a knowin and profest Papist, of Margret Wood, syster to the Laird of Bonytoun, and vthers knawin and profest Papists, in his Majesties Court and companie.

The education of thair Majesties children [in] the companie of obstinat and profest Papists, sike as the Ladie Livingstoun.

The negligent educatioun of the children of noblemen, and sending them out of the country vnder the charge of paedagogues suspect in religioun, or, at the least, not weill groundit and confirmit therin, to be brocht vp and instructit in places quher Papistrie is profest.

The impunitie of skippers, mariners, and awners of shipes, that, vnder the name of passingers, transports from vther places, and brings within the country Seminarie Priests, Jesuites, and vther traffiqueing Papists, with thair coffers, and bookes; and the impunitie of sike quho convoyes and sparfells the bookes through the country.

The decay of Schooles and of the educatioun of the youth in knowledge of good letters and godlines, speciallie a landwart, for lake of provisioun sufficient to intertaine a qualified Schoolemaster in places neidfull.

That men suspect in religioun, and challengit therfor be thair Presbytrie and Pastours, hes access to Court dureing the tyme of thair processe.

That the late reconcileit Papists are not vrgeit to performe the conditions aggreit to be them at thair reconciliatioun to the Kirk.

Remedies of the former Evills.

The Generall Assemblie, having entrit in the consideratioun of the causes of the said [great and] fearefull defectioun of all estates of persons within this land from the true and sincere profession of the Gospell, [presentlie]

founding within the same ; and having found the principall causes of this change to be, no doubt, the just wrath of God kindlit against this land, for the vnreverent estimation of the Gospell, and for the sins of all estates, and for the dishonouring of their profession, and making the name of God to be blasphemit be the profane world without remorse : quhilk horrible judgements hes fallin in every estate, for the contemptuous heiring of the Word of God, in so farre as ther is none hes worthilie esteimit the said precious Word according to the dignitie therof : Therfor, and for removing of the former evils, and causes, and farther judgements, if they be not preventit be speidie repentance, the Assemblie hes [concludit and] ordainit a generall humiliatioun to be keipit solemnlie throughout the haill land, with fasting and prayer in all severall congregatiouns, two severall Sabboth dayes, both in burgh and land, within the realme ; and lykeways in burrow townes, throughout the haill weik betuixt the saids two Sabboths ; and the cause of the said humiliatioun to be [intimat to be] only the sins of the land, be the quhilk the profession of the Gospell hes bein dishonourit, and the wrath of God provokit : quhilk generall humiliatioun is ordainit to be vpon the last two Sabboth dayes of Junij nixt to come.

The vnplantit kirks wald be effectuellie recommendit to his Majesties care, whose autoritie only is able to accomplish that worke ; and, for the better furtherance therof, that his Majestie wald cause take heid that the thrids be keipit vnvitiat.

Nothing more necessar nor to have his Majesties housse, the Princes housse, the Erles houses, and places of thair residence, and vthers places of chiefest importance, as the Towne of Dumfreis, to be weill plantit with learnit, wise, and godlie persons : and quher the laik of provisioun mycht be a hinder to the present planting, as at the Erles houses, it were requisite for a time, that the meitest for that purpose, not being in places quher the cause may be so farre interest be the want of a resident Pastour, sould be transportit fra thair awin places, to remaine for ane quarter or halfe ane geir, that ane substantiall meane may be found out for ane constant provisioun and planting of these rowmes, be whose labours, in the meane tyme, the Erles and thair families might be confirmit in the trueth, and the enemies debarrit from thair companies, and therafter to returne to thair awin charges ; the Presbyteries, in the meanequhill, taking ordour for the helping of thair kirks in the tyme of thair absence : And to that effect, ordaines Mr George Glaidstones to be direct to awaite vpon the Erle of

Huntlie; Mrs Alexander Lindsey and William Couper vpon the Erle of Erroll; Mrs James Law and Johnne Spottiswood vpon the Erle of Angus; Mr Johnne Carmichell vpon the Lord Hoome; Mrs David Lindsey and Johnne Hall vpon the Lord Herreis.

That ane petition be givin in to his Majestie and Secreit Counsell, desyring, that these quhom his Majestie knowis, or shall know heirafter, to deale in favours of profess traffiqueing Papists farther nor the lawes of the countrey shall permitt, false countit and holdin as men suspect in religioun, and shall not have the honour to be in his Majesties house, Counsell, or Session.

Item, That it be craveit lykeways of his Majestie and Secreit Counsell, that all Papists, men and women, challengit be the Kirk for thair religioun, and not satisfieand the Kirk for the same, be dischairgit from resort to court, quhill they have satisfied, and bring from the Presbytrie of thair bounds a sufficient testimoniall of thair obedience.

Item, For discovering of the adversaries of the true religioun lurking within this countrey, it is ordainit, that every Presbytrie, immediatlie after the dissolving of this present Assemblie, take vp the names of the non communicants within thair bounds, and send them to his Majesties Ministers with all expeditioun, subscrivit be the Moderatour and Clark of the Presbytrie, and Minister of the paroch; and that from this tyme furth, at every Provinciall Assemblie, the names of the non communicants be tane vp, and sent to his Majesties Ministers.

Item, That it be inquyrit anent the late reconcilit Lords to the Kirk, be the Presbyteries quher they make residence, whither they have keipit and permit the articles subscrivit be them at thair receiving, and that they be vrgit severallie to performe every ane of the said articles; and if they refuse, that the Presbyteries certifie the Kings Majesties Ministers therof.

Item, For eschewing of farther evill quhilk might come to the estate of the religioun be the evill education of the youth foorth of the country, it wald be cravit of his Majestie and Secreit Counsell, that such noblemen and vthers as direct a paedagogue with thair sonnes furth of the countrey, that thair paedagogue be knowin godlie and of good religioun, [learnit] and instructit in the samein, and approvit of his religioun be the testimoniall of his Presbitrie: that thair remaining out of the countrey be in the places quher the religioun is presentlie profess, or, at the least, quher ther is no restraint of the same be the crueltie of Inquisition: that durance the

tyme of thair abſence they ſhall not haunt any idolatrous exerciſe of religion : and ſuch [as] heſ not the moyen to ſuſtaine a paedagogue with thair ſons foorth of the countrey, that they ſend them to ſuch parts quher ther is no reſtraint [of religion : and in caice thair ſonnes, after thair departing out of the countrey, haunt theſe parts quher the profeſſion of the trew religion is reſtrainit,] that they find caution not to intertaine them : And in cace any that paſſes out of the countrey imbrace any religion except that quhilk is preſentlie profeſt within this realme, that they ſhall not be able to bruik moyen, heritage, honours, nor offices, within this realme ; and this to be ane exceptionn aganis the ſervice of thair breives, and at the tyme of admiſſioun of them to any office or honours : And in cace any of thair parents contraveine any of the premiſſes, that they incurre ſuch paine as his Maieſtie and Secreit Counſell ſhall modifie ; and that ſuch as are already out of the countrey, [either] be callit back againe befor ane day to be appointit be his Maieſtie and Secreit Counſell, or els that thair parents be ſubiect to the lyke conditionns befor ſett downe.

Item, It wald be craveit of his Maieſtie and Secreit Counſell, that all ſkippers, mariners, and awners of ſhips, be inhite that they bring in any Jeſuites, Seminarie Prieſts, declarit fugitive traitours and rebells within the countrey, bot ſuch as they know to be of true religion, or heſ ſufficient teſtimoniall of the honeſtie of thair religion fra the places quher they have bein converſant, vnder the paine of eſcheiting thair hail goods ; and vnder the ſame paine, that they delyver them in the hands of the Magiſtrat of the towne or port, quher they ſhall happin to arryve at, ther to be keipit, ay and quhill they be examinat and tryed, and his Maieſties warrand obtainit for thair libertie after they have bein tryed [and fand] honeſt in religion ; and ſhall keip them, thair bookes, goods, and geir in ſhipboord, ay and quhill they receive ane warrand from the ordinar Magiſtrate for the releiving of the ſame ; and to that effect, that they ſett none vpon land bot in commoun ports, quher ther is ane Magiſtrate to receive the paſſengers from thair hands.

Item, That his Maieſtie be dealt earneſtly with anent the removing of his dochter out of the Ladie Levingſtouns companie, in reſpect of her obſtinate continueing in the profeſſioun of Papiftrie : for the quhilk cauſe, his Maieſtie being requeſted [be] the hail Affembly, promiſed that his Hienes dochter ſould be transportit, betuixt and Mertimes nixt to come, to his awin houſe.

And becaufe the non planting of kirks is a great part of the wyte of the defectioun from the puritie of religioun ; and that the best way for the planting of the faids kirks, is the furtherance of the constant platt for locall stipends to be appointit to every kirk within this realme : Therfor the Assemblie hes ordainit the brethren following, viz. Mrs David Lindfay, James Nicollone, Robert Pont, Patrick Galloway, George Glaidstones, John Nicollone, or any thrie of them, to conveyne [upon the first day of Junij] with my Lords Chancellor, Secreitar, President, Collector, Comptroller, Sir Patrick Murray, and Mr George Young, to treat and advyse on sick overtures as, be their common consent, shalbe found most meet and expedient for advancing of the said work of the constant platt, and to lay downe such grounds as they shal find most meet and profitable for prosecuting of the same ; and to report thair diligence to the nixt Assemblie.

Sessio 3^a Eodem die.

The Kings Majestie having declarit his intentioun and desyre to have a Minister for his Hienes house, in respect of the deceise of Mr Johne Craig, and Johne Duncanstones old age, and another to the Queines Majesties house, and ane vther to the Princes house, the Assemblie nominat for his Majesties and the Queines house Mrs Henrie Blyth, John Fairfull, Peter Hewat, and Andro Lamb ; for the Princes house, Mrs James Nicollson, James Law, and Johne Spottiswood.

[The Assemblie ratifies the acts made in the Assemblies of befor, anent the discharging of particular applicatiouns to be made in the exercises ; and of the forbidding of young men not admittit to the Ministrie to preach in the cheife places of the countrey ; and ordaines the same to be put in executioun, under the paine of incurring the censures of the Kirk. C. & B.]

Sessio 4^a 15 Maij.

The Assemblie adjoynes the Presbitrie of Kirkudbright to the Ministrie of Nithisdail, ay and quhill ther be sick a number of kirks plantit within the faids bounds as may constitute a laifull Presbytrie among themselves.

The Assemblie ordaines the Commissioners to recommend vnto his Ma-

jestie the proviſion of competent livings to the ſaid kirks ; and nominates Mrs Johne M^cBirney, George Greir, and William Airthur, to be plantit therat.

Anent the queſtioun referrit fra the Presbytrie of Couper to this preſent Affemblic, concerning the cauſe perſewit be the ſaid Presbytrie aganis Elizabeth Pitcairne, for ſatiſſactioun of the adulterie committit be her, and provin againſt her, conforme to the decret of the forſaid Presbytrie ; quho being vrgeit to ſatiſſie the Kirk therfor, producit ane decret of adherence obtainit againſt her huſband befor the Commiſſars of Edinburgh, ordaining her huſband to adhere to her, and be conſequence exonerin her of adulterie : The Affemblic ordaines the Presbytrie to put thair awin decret to executioun, notwithstanding the decret of adherence.

Anent the citatioun vſit be the Presbytrie of Couper aganis the auld Laird of Kynneir, to have anſuerit for the abuſing of Mr Robert Inſhaw, Miniſter of Kilmanie, in the ſolemnizing of the mariage of his dochter, and in antedating of ane teſtimoniall ſent to Mr Henrie Balfour, Miniſter at Colleſſie : The Affemblic, in reſpect of the Laird of Kynneirs abſence, referris the tryall of the ſaid matter to the Presbytrie of Couper.

Sefſſio vltima. 16 Maij.

It being meanit be fundrie of the brethren, that there was fundrie errours that merited to be correctit in the vulgar tranſlatioun of the Byble, and of the Pſalmes in meetter ; as alſo that ther are fundrie prayers in the Pſalme Booke quhilk wald be altered, in reſpect they are not convenient for the tyme : In the quhilk heids the Affemblic hes concludit as followis :

Fiſt, Anent the tranſlatioun of the Byble: That every ane of the brethren quho hes beſt knowledge in the languages, imploy thair travells in fundrie parts of the vulgar tranſlatioun in the Byble, that neids to be mendit, and to conferre the ſame together at the Affemblic.

Anent the tranſlatioun of the Pſalmes in meetter ; It is ordainit, that the ſame be reviſit be Mr Robert Pont, Miniſter at Sanct Cuthberts Kirk, and his travells to be reviſit at the nixt Affemblic.

It is not thocht good that the prayers alreadie contenit in the Pſalme Booke be altered or delatit ; bot if any brother wald have any vther prayers

eiked, quhilk are meit for the tyme, ordaines the same first to be tryed and allowed be the Assemblie.

The Generall Assemblie, for causes and considerations moving them, hes ordainit Mrs James Balfour, Walter Balcanquell, and William Watson, to be transportit out of their awin places of their Ministrie in Edinburgh, and plantit in such places as the Commillioners deput be this present Assemblie think expedient: And lykewayes ordaines the said Commillioners to plant such vthers of the Ministrie in their places in the Kirk of Edinburgh, as salbe found expedient for the advancement of the glorie of God within the same.

The Commillioners for the Towne of Edinburgh, viz. Johne Johnstoun and George Heriot, protestit in the name of the said Towne, that seeing the Generall Assemblie hes ordainit their Ministers above namit to be transportit furth of Edinburgh, the said Towne sould be frie of their burdein fra this tyme of their present transportation; and that the said transportation sould not be prejudiciall to them in any tyme heirafter, bot that they might be reponit in their awin places, quhen it sould please his Majestie and the Kirk to lyke weill therof: quhilk protestatioun his Majestie and the haill Assemblie willinglie aggreit vnto; quervpon the said Commillioners askit instruments.

The Assemblie hes ordainit, that, in every Assemblie to be conveynit in all tyme comeing, such as fall happin to be appointit Commillioners from the Generall Assemblie to indure quhill the Assemblie nixt thereafter, fall give an accompt of their proceedings dureing the haill tyme of their commillioun, in the beginning of the Assemblie, befor any vther cause [or matter] be handlit; and their proceedings to be allowit or disallowit as the Assemblie fall think expedient.

The Generall Assemblie having rypelie weyit the necessitie of the appointing Commillioners fra this present Assemblie, not only to advyse and awaite vpon such affairs as salbe for the weill and vtilitie of the Kirk of God, bot also for giving advyse to his Majestie anent the balding furth of the enemies of the samein, quhen they salbe requyrit be his Hienes therto: Therfor, the brethren conveynit in this Assemblie hes givin and grantit, lykeas, be the tenour heirof, gives and grants their power and commillioun to thir brether, viz. Mrs Alexander Dowglas, Johne Strauchane, Peter Blackburne, George Monro, James Nicolfone, Andro Leitch, Alexander

Forbes, Patrick Simfone, William Couper, Alexander Lindfay, George Glaidstanes, William Scott, Johne Caldeleugh, Robert Wilkie, David Lindfay, Robert Pont, Johne Spottifwood, Johne Hall, James Law, Johne Knox, Johne Abernethie, Johne Hay, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay, and the Kings Majesties Ministers, or any nyne of them; giveand, grantand, and committand vnto them thair full power to plant such kirks in Burrow Townes as are destitute [of Pastours] in generall, and speciallie to plant the Kirk of Edinburgh, quhich is vacand be transportatioun of the Ministers therof; with power also to plant Mrs James Balfour, Walter Balcanquell, and William Watfone, Ministers transportit out of Edinburgh, with his Majesties advyce, in such convenient places as they shuld find expedient for the glorie of God; with power also to transport any of the Ministrie within the realme from thair awin places quher they presentlie serve, and to plant them in the said vacand places of the Kirk of Edinburgh; in the planting quherof they shal take the advyce of the Presbytrie of Edinburgh, according to the acts and statutes of the Generall Assemblie made of befor:

Attour, If it shal happin the Kings Majestie to be greivit at any of the Ministrie for quhatsoever enormitie committit be any of them aganis his Majestie, with power to them, or any nyne of them, as said is, to try and cognosce therevpon, and to take such ordour thereanent as they shal find most meit to the glorie of God and weill of his Kirk:

And, finallie, with power to them to present the greives and petitionis of this present Assemblie to his Majestie and Secreit Counsell, and generall Conventioun of the Estates and Parliaments, if any shal happin to be; and to crave redresse of the samein: Promitten de rato.

The Assemblie ordaines Mrs James Nicolfone, James Robertfone, Alexander Lindfay, and William Couper, to take tryall anent the vnioun of the kirk of Forgundie to the paroch of Arngosk; and if they find the samein to have bein done of auld, and [to be] commodious for the peiple, to ratifie the same.

Forfameikle as, in the Generall Assemblies haldin of before, it hes bein verie wiselie confidderit, that ther hes bein nothing more profitable for advancing of the glorie of God by the preaching of the Gospell, then appointing of Commissioners for every schyre within this realme, whose care and diligence shuld be partly to try the life, doctrine, and manner of conversatioun of the Ministrie in the bounds committit to thair visitatioun; and partly to

plant the kirks quhilk as yet ly destitute of the comfort of the Word, be dealing with such as hes the Kirk livings in thair hands, for ane reasonable moyen to sustaine a Minister at every kirk within this realme : quhilk loveable custome this present Assemblie being myndfull to profecute, therfor hes givin and grantit, lykas, be the tenour heirof, gives and grants thair full power and commillioun to thir brethren, [to visit the bounds particularly after specified,] viz. to Mrs Robert Pont and Robert Durie for Orknay and Zetland ; to Mr George Glaidflanes for Cathnes and Sutherland ; to Mrs Alexander Dowglas and Alexander Rawfone for Rofs ; to Mrs George Hay and Andro Crumbie for Murray ; to Mr George Glaidflanes for Aberdein ; for Angus and Merns, Mrs Robert Wilkie and James Nicolfone ; for Perth and Stratherne, Mrs Thomas Dowglas and Johne Fairfull ; for Fyfe, Mrs James Nicolfone and Robert Howie ; for Louthian, Mrs Patrick Simfone and Harie Livingstoun ; for Mers and Teviotdaile, Mrs James Gibfone and Adame Colt ; for Cliddisdail, Mrs David Lindfay and Johne Spottiswood ; for Irwing and Air, Mrs Gawin Hamiltoun and Andro Knox ; for Annandail, Mrs Johne Knox, Patrick Shaw ; for Nithefdaile and Galloway, Mrs David Barclay, Alexander Scrymgeour, and Nathaniel Inglis : with power to them to try the brethren of the Ministrie within the bounds particularlie above delignit, in thair lyfe, doctrine, qualificatioun, and conversatioun ; and how they have behavit themselves twiching the rents of thair benefices, whither they have sett tacks of the same, but consent of the Generall Assemblie, or not, and so dilapidat the same ; to depose such as deserves depositions ; to plant Ministers in such places as hes not bein plantit heirtofore : and to that effect to deale with the takemen of every paroch kirk for provisioun of ane Minister to thair kirks ; and to report to the nixt Generall Assemblie ane answer of the takemen in write, containing the planting of the kirks quherof they possesse the teinds ; and to report thair diligence to the nixt Assemblie ; Prommitten de rato.

The nixt Assemblie is appointed to be haldin at Sanct Androes, the last Tuesday of Julij, the zeir of God 1602 zeirs.

[The General Assembly appointed to be haldin at Sanct Androes the last Tuesday of July, was prorogued be the King to the tenth of November by proclamations at the Mercat Crosses. C.]

A.D.MDCII.

THE Generall Assemblie of the Commissioners from the Presbitries of the Kirk of Scotland, haldin at Halierudehous the 10 of November 1602: In the quhilk, the Kings Majestie being personallie present, were conveyit the Commissioners following.

COMMISSIONERS WITH THE KING.

The Secreitar.
Thesaurer.
Collectour.

Comptroller.
Sir Patrick Murray.

For the Ministrie.

ORKNAY.

Mr Robert Pont.

CATHNES.

Mr George Glaidftanes.

ROSE, MURRAY.

Mr Alexander Rawfone.

ABERDEIN.

Mr Peter Blackburne.	Mr Johnne Rofs.
Mr Archibald Blackburne.	Mr James Milne.
Mr David Rait.	Mr Abraham Sibbald.
Mr Richart Rofs.	Mr Alexander Hay.
Mr John Strauchane.	

MERNES.

Mr John Erskine.	Mr James Sibbald.
Mr Alexander Forbes.	

BRECHINE.

Mr Andro Leitch.	Mr Jofua Durie.
Mr Johnne Merfchell.	

ABERBROTHOCK.

Mr Patrick Lindfay.	Mr Henrie Philip.
Mr Arthur Foothie.	

DUNDIE.

Mr Robert Howie.	Mr Andro Clayhills.
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MEGLE.

Mr James Anderfoun.	Mr David Browne.
Mr Johnne Barclay.	

PERTH.

Mr James Rofs.	Mr Alexander Hoome.
Mr Archibald Moncreiff.	Mr Johnne Edmestoun.
Mr William Row.	Mr William Glasfe.
Mr Adame Ballandyne.	Mr Silvester Rattray.

SANCT ANDROES.

Mr James Melvill.
Mr John Carmichell.

Mr Robert Durie.

VNIVERSITIE THEROF.

Mr James Mertin.

COUPER.

Mr Thomas Douglas.
Mr Robert Buchannan.

Mr William Cranftoun.

KIRKADIE.

Mr William Scott.
Mr Johne Michelfone.

Mr David Spens.

DUMFERMLING.

Mr Johne Fairfull.
Mr Johne Cauden.

Mr Edmond Myles.

EDINBURGH.

Mr James Balfour.
Mr Walter Balcanquell.

Mr William Aird.

LITHGOW.

Mr Thomas Peebles.
Mr Robert Cornwell.

Mr George Inglis.

DALKEITH.

Mr George Ramfay.
Mr Archibald Simfone.

Mr Adam Colt (Scot?)

HADDINGTON, DUMBAR.

Mr Edwart Hepburne.

Mr Richard Ogill.

PEEBLES.

Mr Johne Ker.

MERS.

Mr Johne Clappertoun.

Mr William Clerk.

Mr Tobias Ramfay.

Mr Johne Knox.

Mr William Methven.

Mr James Dais.

Mr Alexander Gaite.

Mr Johne Smith.

Mr Johne Abernethie.

GLASGOW.

Mr Andro Boyd.

Mr Williame Levingstoun.

VNIVERSITIE THEREOF.

Mr Patrick Sharp.

PAISLAY.

Mr Johne Hay.

DUMBARTAN.

Mr William Simfone.

HAMILTOUN.

Mr Johne Howifone.

Mr Patrick Walkinschaw.

LANERICK.

Mr William Birnie.

Mr Robert Bannatyne.

AIR.

Mr George Dumbar.
Mr Nathan Inglis.

Mr Johne Welfch.

IRWING.

Mr Hew Fullertoun.

DRUMFRIES.

Mr Robert Hunter.
Mr Johne Browne.

Mr Richard Browne.

KIRKKUDBRYT.

Mr William Hamiltoun.

WIGTOUN.

Mr Robert Wallace.

Mr Mathew Reid.

BURROWIS.

EDINBURGH.

Mr Johne Robertfone.

Mr George Heriot.

DUNDIE.

Mr William Fergusone.

SANCT ANDROES.

Mr William Ruffell.

LEITH.

Mr Jerome Lindfay.

Mr David Orok.

BRUNTILAND.

Patrick Greiff.

COMMISSIONERS OF THE GENERALL ASSEMBLIE.

Mr Alexander Dowglas.

Mr Robert Wilkie.

Mr George Monro.

Mr David Lindfay.

Mr James Nicolfone.

Mr Johne Hall.

Mr Patrick Simfone.

Mr James Law.

Mr William Couper.

Mr Gawin Hamiltoun.

Mr Alexander Lindfay.

Mr Alexander Scrymgeour.

Mr Johne Spotilwood.

Mr David Barklay.

Mr Johne Calcleugh.

Acta Sessione prima.

Exhortatioun being made be Mr Johne Hall, Moderatour of the last Assemblée, the Assemblée, after the accustomed manner, proceeded to the electioun of the Moderatour of this present Assemblée; and, after nominatioun of the brethren following, viz. Mrs Patrick Sharp, Patrick Galloway, James Balfour, and Johne Carmichael, out of the quhilk number the Moderatour should be chofin; be pluralitie of votis the said Mr Patrick Galloway was chofen Moderatour hac vice.

The houres appointit to conventioun, to be nyne houres of the morning for the privie conference; and elevin houres for conveyeing of the Assemblée, and to sitt quhill four houres afternoone.

The Assesours appointit to conveye with the Moderatour in the privie

conference, for treating of such things as are to be concludit in the Assamble, are Mrs Johne Hall, Robert Pont, George Gladstones, David Lindsay, Alexander [Rawfone,] Peter Blackburne, Johne Strauchan, David Rait, Alexander Forbes, James Nicolfone, Robert Howie, James Melvill, Robert Wilkie, Johne Carmichael, Alexander Lindsay, William Glasse, Patrick Sharp, James Balfour, Walter Balcanquell, James Law, Johne Spottiswood, Johne Clappertoun, John Knox, David Barklay, William Hamiltoun, Nathaniel Inglis, Johne Hay, Andro Lamb.

Sessio 2^a. Eodem die.

The said day, being callit Mr George Glaidstones, Minister of Sanct Androes, quho was direct be the last Assamble to have remained for ane quarter or halfe ane geir with the Marqueis of Huntlie, to the effect that, be his travells and labours, the said Noble Lord and his familie might be informit in the Word of Trueth presentlie profest within this realme, and the enemies therof debarrit from his companie, to give ane accompt of his diligence in the said commissioun, the said Mr George compeirand, declarit, that, at the tyme of his journeying northward for visitatioun of the Presbyteries of Cathnes and Sudderland, he addrest himselfe to the Marqueis of Huntlie, and remained with him the space of thrie dayes, duering the quhilk tyme he conferrit with him anent the contravertit heids of religioun, and defyrit of his Lordship that he wald shew him quherin he doubtit, that to the effect be his conference he might be resolvit of such heids quherof he was not as yet fullie satisfied, quhilk his Lordship promised to doe at his back coming: and lykeways having demanded, why his Lordships kirks were not plantit, and why he refortit not to the preaching at the ordinar tymes in paroch kirks?

To the first he ansuerit, That the non planting of his kirks proceids vpon the not giving licence to the Persons of the saids kirks to renew his taks, conforme to the promise made to his Lordship be the Commissioners of the Assamble, at the tyme that his Lordship grantit to the augmentatioun of the rents of the said kirks.

As to the second, He could not weill resort to the paroch kirks, partlie, in respect of the meane rank of such as were within the paroch, and partlie, in respect his Lordships predeceffours were in vse to have a chappell in

thair awin houe, quhilk he was myndit to profecute now, seeing he was presentlie repairing [to] his houe of Strathbogie.

The said Mr George being demandit, why he made no longer residence with his Lordship, conforme to his commillioun, answerit, that he could not, because the Marqueis of Huntlie was vpon his voyage southward, at his Majesties directioun, for reconcilioun of the feid betuixt him and the Erle of Murray; quhilk feid was the cause that his Lordship could not communicat.

Being callit lykewayes Mr Alexander Lindfay and William Couper, Commillioners appointit be the last Assemblie to awaite vpon the Erle of Erroll for the effect forsaid, compeirand Mr Alexander Lindfay, declairit, that he had awaitit vpon the said Noble Lord dureing his remaining in the Carse of Gowrie, and that he fand him a diligent heirer of the Word: and having requyrit of him, if he doubted of any thing, his Lordship answerit, That, at the tyme of his reconcilioun, he did the samein vnfainedly, and had callin all scruples away. As concerning the planting of his kirks, that he had provydit the samein of his awin benevolence; and that he wald communicat at sick tyme as the sacrament could be ministrat at any of his awin kirks, quherat his residence could be for the tyme.

Being callit Mr Johne Spottiswood and James Law, Commillioners appointit to awaite vpon the Erle of Angus, Mr Johne Spottiswood executit himselfe, because he was directit be his Majestie to awaite vpon the Duke of Lennox in his ambassadrie to France; in respect quherof, Mr James Law, being appointit Commillioner conjunctlie with the said Mr Johne, could doe nothing him alone: but because it was reportit be the haill brethren of these parts quher the said Erle does haunt, that he did neither resort to the heiring of the Word, nor participatioun of the sacraments, bot, be the contrair, maintainit profest enemies to the religioun in his companie, sick as ane Mr Charles Browne; therfor, to advise in the conference for remeid therof.

Being callit Mr John Carmichaell, Commillioner appointit to awaite vpon my Lord Hoome, declairit, that he execute no part of his commillioun, be reason of the said Lords absence foorth of the countrey.

The lyke excuse was vlit be Mrs David Lindfay and Johne Hall, quho were appointit to await on my Lord Herreis, in case that he repairit to Edinburgh, declairing, that the said Lord remainit but a verie short space in the said towne.

Anent the Commiſſioners appointit be the laſt Aſſembly to awaite vpon the conſtant platt: My Lord Colledge being preſent, declarit, that the ſtay of that worke proceedit vpon the default of the Preſbyteries, quho, for the moſt part, had nevir returnit ane anſuer of his Maieſties letters direct be his Commiſſioners of the conſtant platt, without the quhilk they could not proceed: and, therfor, the Aſſembly ordaines ſick as had not reportit thair anſuers, to produce them the morne.

Anent the Commiſſioners appointit for viſitation of Preſbyteries: The Aſſembly ordaines them to give in thair diligence in wryte the morne, that the ſamein may be tryit and conſiderit be the Aſſembly. And becauſe ther hes bein ſlack, or no execution of ſick Commiſſions in tyme bygane, be reaſon of careleſnes of ſick as were appointit to accept the ſame: Therfor, it is ordainit, that, in tyme comeing, ſick as ſalbe appointit Commiſſioners, ſhall accept the commiſſiouns on them, and promiſe be thair aithes, in face of the Aſſembly, to doe thair honeſt and faithfull diligence in the execution therof; and to report the ſamein to the nixt Aſſembly in wryte, vnder the paines conteinit in the acts of the Generall Aſſembly.

Being callit the Commiſſioners of the Generall Aſſembly to give ane account of thair proceedings ſen the laſt Aſſembly, they were ordainit to give in thair diligence in wryt the morne.

The quhilks things being conſiderit be the haill Aſſembly, it was thoct moſt expedient, that certaine qualified perſons be choſin out of the Miniſtrie, for planting of ſuch parts of the countrey as are deſtitute of the Word of God; and ſpeciallie, that qualified men be choſin out to be appointit Miniſters to the particular families of the ſaid Noblemen: and lykewayes that the cationers of theſe quho were ſuſpect of religioun, and were ordainit be his Maieſtie to paſſe off the countrey, be ſtraitit conforme to thair band, and ſpeciallie for Patrick Butter, Patrick Mortimer, and vthers, and themſelves [to] be lykewayes chargit for breaking of the ſaid band.

Seſſio 3^a. 11 Novembris.

Anent the ſummonds raiſit at the inſtance of the Provinciall of Lowthiane and Tweddall, aganis Dame Helenour Hay, Counteſſe of Lithgow, makand mentioun, That in the proceſſe of excommunication led and deduceit againſt her, be the Preſbytrie of Lynlithgow, ſhe made appellatioun

from the said Presbytrie to this present Assemblée, and therfor ordaining her to be summondit to [compeir befor] this Assemblée, the thrid day therof, to prosecute her appellatioun, with certificatioun, and the failziet, the Assemblée wald allow of the proces led and deduceit aganis her be the said Presbitrie, as at mair lenth is conteinit in the saids summonds, of the dait, at Edinburgh, the 8 of November 1602: The same being callit, the Assemblée continues the same in the selfe same force and effect to the morne.

The brethren appointit for visitatioun of the Presbitries in the last Assemblée, quho were ordainit this day to produce thair diligence in wryte, being callit, compeirit Mrs David Lindsay and Johnne Spottiswood, Commissioners for Cliddisdail; Mr Andro Knox, Commissioner for Air; Mrs James Nicolfone and Robert Howie, Commissioners for Fyfe; Mr Robert Durie, Commissioner for Orkney; and Mr George Glaidstones, Commissioner for Cathnes; and produceit thair diligence in wryte. The rest of the saids Commissioners either were not present, or had done no diligence. Quhilks diligences producit, the Assemblée ordainit to be visited be the brethren, Mrs Johnne Hall, Walter Balcanquell, Patrick Walkinshaw, Archibald Moncrieff, and James Anderlon, and thereafter to report what they have found in it to the haill Assemblée.

The said day, the Commissioners quho were appointit in the last Assemblée, for planting of burrowes tounes vacand, and awaiteand vpon his Majestie, quho were ordainit this day to produce thair diligence [and proceedings in wryte,] to the effect they might be tryit be the brethren, and either allowit or disallowit, [conforme] as they deserved, being callit, they compeirit; and, in name of the rest, Mr James Nicolfone, Minister at Migle, produceit thair haill proceedings in wryte; quhilk being [openly] read in presence of the haill Assemblée, and the brethren being demandit be the Moderator, if they had any thing to say against the samein, or against them in any vther heid quhatsumevir: Efter the particular votes of every ane of the Commissioners was speirit, the Assemblée allowit of the said proceedings, and thankit God for the same.

The quhilk day, the brethren conveyit in this present Assemblée having considerit, that nothing is more necessar for the advancement of Gods glorie and his true religioun within this realme, then that the cheife rowmes and places within the countrey, such as are noblemens houses and families, be plantit with learnit and discreit Pastours, able not only to instruct and confirm the said noblemen, thair wyves, children, and families, in the true

feare of God, and heids of sincere religioun profess presentlie within this realme, bot also quho may, be thair provident care and diligence, procure that the families of such noblemen be not corruptit with the companie and hanting of profess Papists, Jesuites, [and vther] Seminarie Priests, quho goes about daylie to smore and put out the spunks of true religioun and knowledge of God kindlit in the saids noblemens hearts; and because presentlie such men cannot be found to vndertake the charge of the saids noblemens houses, as said is: Therfor, the Assemblie hes thocht good, that, for a tyme, brethren meitest for the purpose shuld be borrowit from thair awin places, to remaine for the space of a quarter of ane geir continually with the saids noblemen, be whose labours in the meane tyme, quhill ane constant and permanent provisioun may be found out for the planting of these rowmes, the saids noblemen and thair families may be confirmit in the trueth, and the enemies therof debarrit from thair companies; and thereafter to return to thair awin charges; and in the meane tyme, that the Presbitries take ordour that thair places be furnischt dureing thair absence: And, therfor, they have electit and nominat the brethren following to awaite vpon the saids noblemen dureing the space forsaid, viz. Mr William Scott, Minister at Kennoquhy, to remaine with the Marquis of Huntlie; for the Erle of Erroll, Mr Alexander Lindsay; for the Erle of Angus, Mr James Law; for the Lord Hoome, Mr John Carmichaell; for the Lord Maxwell, so long as he remaines in the Castle of Edinburgh, Mr Henrie Blyth; for the Lord Hereis, Mr Robert Wallace; for the Lord Semple, the Presbitrie of Irwing, so long as he remaines within the same; and in case he remaine within the Presbitrie of Paislay, the said Presbitrie to awaite vpon him; and lykeways for the Erle of Sutherland, the Presbitrie of Edinburgh, in case he make his residence within the same: And in case any of the noblemen make their residence any tyme in Edinburgh, or within the Presbitrie therof, the Assemblie ordaines the Presbitrie of Edinburgh to direct twa brethren of thair number, with the lyke power as the brethren above specifit, to awaite vpon every ane of the saids noblemen that shalbe found resident within thair Presbitrie: quhilks brethren forsaid, and every ane of them, shal receive the articles in wryte fra this Assemblie, quherin they shal travell with the saids Noblemen. Quhilks articles the Assemblie ordaines to be pennit be Mrs James Melvill, James Nicolson, John Carmichaell, Patrick Galloway, William Scott, and Alexander Lind-

lay, to be givin in the morne to the Assemblie, that the brethren may consider the samein. The tenour quherof followis.

Instructions for the brethren appointit be the Generall Assemblie to attend vpon the Marqueis of Huntlie, the Erles of Angus and Erroll, the Lords Hoome, Herreis, and Maxwell.

First, Ye fall addresse yourselves with all convenient diligence and necessar furniture to entir in thair companie and families, ther to remaine still with them for the space of thrie monethis continuall; dureing the quhilk tyme your principall care shalbe, by publick doctrine, by reiding and interpretation of the Scriptures ordinarlie at thair tables, and by conference at all meitt occasiouns, to instruct themselves in the haill grounds of true religion and godlines, speciallie in the heids controvertit, and confirme them therin.

2. Take paines to catechise thair families ordinarlie every day, once or twyse at the leist, or so oft as may serve to bring them to some reasonable measure of knowledge and seiling of religion, befor the expyryng of the tyme preseryvit for your remaining ther; and let this actioun begin and end with prayer.

3. Prease to have thair houses purgit of all persons living inordinately, whose evill example might be a slander to thair professioun, speciallie such as are of suspect religion, and found any wayes bullie in traffiqueing aganis the truetb, and quyetnes of the estate of the countrey; and be carefull to have all sick persons furth of thair houses and companie.

4. Travell to have thair kirks plantit with sufficient provisioun of stipends, and weill qualified persons; and procure, that, be thair authoritie and assistance, the discipline of the Kirk may have executioun within thair bounds.

5. Perswade them to make honest provisioun of stipends for the intertainment of resident Pastours at thair houses and cheife dwelling places; and to make choise of learnit, grave, and wyse Pastours, to be plantit therat.

6. Urge performance of the articles agreeit vpon and subscryvit at the tyme of thair reconciliatioun, and registrat in the bookes of the Assemblie, quheroutof ye fall extract them.

7. Informe the Kings Majestie fra tyme to tyme, how they have profited,

and quhat companie reforts to them, and quhat difpofitiouns thair companies are of.

Quhilks articles being red in audience of the Affemblie, the brethren approvit the famein, and ordainit them to be infert, with the commiffioun given to the Minifters appointit to remaine with the faids Lords, in the bookes of the Affemblie.

The brethren appointit to vifite the diligence of the vifitours appointit in the laft Affemblie, finds fault, that in all thair diligences produceit, except of Caithnes and Fyfe, the vifitors hes not exactlie tryed the lyfe, doctrine, and converfatioun of every Minifter at his awin kirk and be his awin flock, but nakedlie and slanderlie be a generall view at the Synodall Affemblies; quhilk the Affemblie finds fault with, and ordaines to be amendit in tyme comeing.

The quhilk day, the brethren conveynit in this Affemblie, having rypelie weyit how neceffar it is, that ane general vifitatioun be for inquiring in the lyfe, doctrine, qualificatioun, and converfatioun of every ane of the Miniftrie in particular; the quhilk albeit it was committit to the charge of the vifitours appointit be the laft Affemblie, nevirtheles they, or at the leaft the moft of them, hes done fmall or no diligence in the executioun of that profitable worke committit to thair charge, excusit partlie be infirmitie and feiknes, and partlie be vther neceffar affaires, quherin they were imployit, as they alledgit: Therfor, the Affemblie, not willing that fuch a neceffar and profitable worke fould want the awin good execution [and fucces,] hes nominat, and be thir presents nominats thir brethren following, thair verie laufull Commiffioners for vifitatioun of the bounds vnderwrytin, every ane of them for thair awin parts, as they are particularlie defignit; viz. for Orkney, Mr Robert Pont; for Cathnes and Sudderland, Mr George Glaidftanes, Mr Alexander Rawfone; for Rofs, Mr David Lindfay; for Murray, Mrs Peter Blackburne, Abraham Sibbald; for Aberdein, Mrs William Scott and Alexander Lindfay; for Angus and Mernes, Mrs Robert Wilkie and James Melvill; for Perth and Striveling, Mrs James Martin and Johne Caldcleugh; for Fyfe, Mrs James Nicolfone and Robert Howie; for Lauthiane, Mrs Patrick Sharp, Johne Couper; for Mers and Teviotdaill, Mrs Johne Carmichaell and James Law; for Cliddifdaill, Mrs Johne Spottifwood, William Airthur; for Irwing and Air, Mrs Andro Boyd, Johne Hay; for Nithefdaill and Annandaill, Mrs Johne Knox, Patrick Shaw, and Johne Smith; for Galloway, Mrs Johne Welsh, Hew

Fullertoun; for Argyle, Mrs Andro Knox, Andro Lamb: Giveand, grantand, and committand to every ane of them conjunctlie, and in case of feiknefs of any ane of them, with power to the vther, &c. to try the brethren of the Miniftrie within the bounds particularlie above committit to every ane of thair charges refpectivé, in thair life, doctrine, qualification, and converfation, and how they behave themselves touching the rents of thair benefices, whither they have fett takis of the famein but confent of the Generall Affembly, or not; and fo incurrit the censure of dilapidation; with power alfo to try the Prefbitries within the faids bounds, if they have kept thair ordinar conventionis, and particular vifitationis of thair awin kirks, and vfit and exercifeit all fuch things as belongs to the Prefbitrie: with power alfo to them to try every particular congregation within the bounds committit to thair vifitation; and generallie, to try every ane of the Miniftrie, Prefbitries, and Congregationis, conforme to the particular ordour of vifitation fett downe in this Affembly. And in case any fault or enormitie be found be them in any of the faids vifitationis committit to them, with power to censure the famein according to the act of the Generall Affembly; and as they proceed in thair faid vifitation, that they report thair haill proceffe and diligence to the next Generall Affembly: Promitten de rato, &c.

Seffio 4^a 12 Novembris.

The faid day it being confiderit be the Affembly, that for inlake of ane conftant and vniforme ordour of vifitation of Synods, Prefbitries, and particular kirks, the labours and travells takin hitherto hes bein almoft vnprofitable and ineffectual: Therfor, that ane folid ordour may be takin and generallie obfervit in vifitationis in all tymes comeing throughout the haill kirks within this realme, the Affembly ordaines the brethren following, viz. Mrs Robert Pont, Patrick Galloway, James Carmichaell, William Scott, Alexander Lindfay, to advyfe anent the fubiect of vifitationis, and the forme and ordour of proceffe that falbe vfit in the fame in all tyme comeing, and to produce the famein in wryte to the Affembly the morne.

The quhilk day the brethren haveand confiderit the great travells and paines takin be thair brother, Mr Johne Howefone, Minifter at Cambuflang, in anfuering to Bellarmine in thrie fundrie volumes, and how profitable

the same wilbe to the Kirk of God, quhilk he presentit to the Assemblie, defyreing the same to be revisit be them, to the effect, if they be found worthie, they may be put forth in print; they appointit the said worke, first, to be revisit be Mrs Robert Howie, James Nicollone, and James Robertstone; therafter, be Mr Andro Melvill; and last, be Mrs Robert Pont and Johne Hall; and to report to the next Assemblie: quhilk bookes are presentlie delyverit to Mr Robert Howie.

Anent the constant platt: The brethren appointit to fitt thervpon with his Majesties Commissioners being demandit, quhat effect thair travells had takin in the same, they producit the conclusioun of the Commissioners of the said platt, resolving in 3 heids, out of the quhilk ane shuld be chosen, as the most ready way for effectuating the said work; quherof the tenour followis.

Overtures of the Commissioners of the Plat to be advisit with his Majestie.

If everie Ministers stipends being assignit out of the fruites of the Kirk quher he serves be the benevolence of the takemen, that they fall grant to the augmentatioun of the said stipend.

If ther shalbe ane perpetuall securitie made to the said taxmen of thair teinds, vpon a speciall greffome to be condiscendit vpon for ilk chalder, for the space of xix zeirs; and to be renewit geirlie therafter, for the said space, for the lyke greffome, upon this conditioun, that the said principal tacksmen fall grant and renew the lyke securitie to thair subtakmen, for payment of thair part of the said greffome pro rato, quher any subtaks are.

Or if the great benefices shalbe provydit to Ministers vpon this conditioun, that all the kirks of the Prelacies be plantit with sufficient Pastours, and be provydit with competent livings, as the modifiers of the constant platt fall think expedient, and he to pay the Kings Majestie geirlie the tent part of the fruites of the saids benefices, quhilk fall rest by and attour the sustentatioun of the saids Ministers; and that all the inferiour benefices shalbe provydit to Ministers serving the cure of the saids kirks, as weil Personages as Viccarrages.

Or if all the great benefices shalbe dissolv'd, and the Prelat to have the principall kirk of the Prelacie with the temporal lands therof; and the rest of the kirks to be provydit with qualified Ministers; and the said Prelate

and titulars of the faids kirks to pay ane zeirlic dуетie to his Majestie, as the benefice may beare at the sight of the Commissioners forsaids.

Quhilk overtures beend red in the licht of the Assemblie, it was ordainit, that every Synod shuld have a copie of them, to be advysit therewith untill the morne, that they might give thair advice to his Majestie, quhilk of the thrie were most meitt to be imbraceit.

Anent the referris and petitionis of the Synod of Fyfe givin in to this present Assemblie, to be advysed vpon be the samein: The brethren nominats Mrs James Melvill, Johne Carmichaell, Robert Durie, William Scott, Johne Cowden, Johne Painfull, James Nicollone, Andro Lamb, Robert Howie, Patrick Sharp, George Gladstanes, and Johne Spottiswood, to conveyne the morne at aucht houres, and advyse vpon ansuers for satisfactioun of the said petitionis, and to report the samen to the Assemblie.

The Articles of the Synod of Fyffe.

1. It wald be meinit be the Generall Assemblie, that the Generall Assemblies are not ordinarlie keipit, notwithstanding of the acts of Parliament and Generall Assemblie, and necessitie of the tyme; bot the dyetts therof altered without the knowledge of the Presbitries and Synods.

2. That Ministers are callit befor his Hienes Secreit Counsell, in prima instantia, for doctrine and discipline; quhilk is a great encouragement to the enemies.

3. That all applicationis in Exercises of Presbitries is found fault with, vnder pretence of the act of the Generall Assemblie; the quhilk act therfor wald be lightit and cleirly interpretit.

4. That the government of the cheife matters of the Kirk continues in the hands of a few number, vnder the name of a Commissioun, to the prejudice of the liberties of the Synods and Presbitries.

5. That the Doctours bearing ordinar calling in the Kirk, be the discipline and custome therof, are debarrit from the Assemblies.

6. That the Assemblie hes takin no tryall hithertill, anent the cautious sett downe for avoiding of corruptioun in the Commissioners, [voters] in the Parliament.

7. That the absence of the Pastours of Edinburgh, [and the] alterationn of the Ministrie therof, quhilk was the cheife watch tower of our Kirk, hurts greatlie the cause of religioun, and encourages the enemies.

8. That ther is distrañtioun of opiniouns different from that consent of hearts, quhilk hes bein in the Kirk befor, in weghtie causes; and over little confideratioun, deliberatioun, and reasoning had, quherby conclusions passe, almost the halfe of the brethren gainfaying.

9. That the land is defylit, and the Kirk endamnagit, by the French Ambaffadours mefs.

10. Excommunicat persons for Papistrie sufferit to haunt the countrey publickly and peaceably.

11. That the noblemen latelie relaxit fra excommunicatioun for Papistrie, gives no token of the professioun of the trueth, but rather the contrair.

12. That apprehendit Papists directiouns and letters are keipit close; and the danger imminent therby to the Kirk not communicat to the watchmen, quherby they may make faithfull warning, and prevent the perrill.

13. That the discipline of the Kirk against murther, incest, and adulterie, is not practised, [nor execute] with that holie severitie that becomes; notwithstanding of the frequent remissions obtieinit be criminall persons, for eschewing of civill punishment.

14. That the remedies sett downe aganis apprehendit dangers, at diverse tymes, and at diverse meetings of the Kirk, are not followed forth.

Anent the act made of befor aganis sick persons as abstaines from the holie communioun, either for Papistrie, or for the colour of deadlie feids: The Assemblie ordaines, that every ane of the Ministrie keip this ordour following [within his kirk,] to wit, That he warne sick persons, be the space of moneths befor the communioun, to compeir be themselves for the samein; quhilk beand done, and they dissobey, that every Minister incontinent therafter send the names of the dissobeyars subscrivit with his hand to ane of his Majesties Ministers, quha sall intimat the samein to his Majestie and his Hienes Thesaurer, to the effect that his Hienes Thesaurer may put the acts made aganis non communicants to executioun aganis them; and that everie Presbitrie command the Ministers within thair Presbitrie to be diligent in the execution of this act.

Becaufe it was meinit be the brethren, that the supplicatioun made in the last Assemblie to his Majestie anent the restraining of the libertie of noblemen and gentlemens sonnes, that passes forth of the countrey to such places quher ther is restraint of the true religioun, Therfor his Majestie declairit, in presence of the haill Assemblie, that he wald give a command to the Secrei-

tar, that he should subscribe no warrant for passing of noblemen or gentlemen's sonnes forth of the countrey, except they first find caution conforme to the tenour of the act made in the last Assemblie, anent passing of gentlemen's sonnes forth of the countrey.

The said day, the Kings Majestie having declairit that it was requisite that his Hienes had another Minister adjoynit to his house, to the effect the Prince might be brought vp in the true religioun, Therfor the Assemblie transports Mr James Nicolson from the kirk of Megle, and appoints him to be Minister at the Kings house, to the effect foresaid; and ordaines him to entir in the said function betuixt and the 15 day of Februar next to come, vnder the paine of deprivation, provyding he be first sufficientlie provydit be the Kings Majestie: And lykewayes ordaines Mr Andro Lamb to entir in his cure [in his Majesties house,] betuixt and the first of Januar next to come, vnder the said paine.

Anent the planting of the kirks of Edinburgh: Johne Robertstone and George Herriot, Commissioners for the said towne, being callit, declairit that for the present they had bot thrie kirks, quhilks alreadie were plantit with sixe Ministers; and quhen as thair fourth kirk, quhilk is presentlie bigging, is compleit, they wald crave supplement of vther twa Ministers.

Sessio 5^a 13 Novembris.

The brethren appointit for penning the forme and subject of visitatioun of kirks, gave in thair advyce as followes:

The visitours shall appoint twa or thrie dayes for the tryall of every Presbitrie within the bounds of thair visitatioun; and be the space of a moneth, or twentie dayes at the least, befor thair edicts, they shall make the Presbitrie acquaint therwith, and send them the edict following, to be publishit at every paroch kirk be some vther rather then the Minister, that it may be dewlie execute, reportit, and indorit to the visitours, at the first dyett of [thair] meiting.

[This Edict was never formed. C.]

Let the Edicts be so directit be the Presbitries, that ane equall number

[fall to] be tryit in every ane of the dayes appointit for tryall of ilk Presbitrie ; and the Commissioners of congregatiouns to be chargit to thair awin dyetts accordinglie.

Try the estate, first, of every Minister particularlie ; therafter the estate of the congregatiouns and countrey ; and last the estate of the Presbitrie in generall.

The particular tryall of Pastours.

Try ilk Pastour severallie, in his graces, and habilitie to discharge his calling ; in his furniture of bookes and necessar helps that may inable him in his calling ; with quhat fidelitie and prudence he discharges himselfe in doctrine and discipline, in his lyfe, and the estate of his living.

For this effect, inquire first of the Commissioners of his congregatioun, quhat testimonie he hes of his awin Sessioun and remanent of his flock ; and in speciall if he be resident in his parochin vpon his mans and gleib ; if his awin lyfe and the government of his familie, be such as breids no offence, bot edifies his flock ; if he teaches every Sabboth once or twyse, and if he teaches any vther dayes in the week ; if he ministers the communioun geirlye with due examinatiouns preceeding ; if he hes ane establischt Sessioun of Elders and Deacons ; if he keips a weiklie conventioun with his Sessioun for the exercise of discipline ; if he catechises weiklie a part of his parochin ; if he keips ane ordinar visitatioun of some families of his congregatioun weiklie ; if he visites the feik and distrest quhen occasioun requyres ; if he be carefull to take away all eyelists and variances that falls out in the congregatioun.

Therafter, if neid beis, let him be tryed be the opening vp of some place of Scripture, and be questiouns ; let it be inquiryt of him, quhat helps he hes for the advancement of his studies ; if he hes the text of the Scripture in the originall languages, in cace he be sein in the tongues ; if he hes Tremellius translatioun of the Auld Testament, and Bezas of the New, with the vulgar Inglis translatioun ; if he hes the Common Places ; if he hes the Ecclesiasticall Historie ; quhat Commentaries he hes vpon the Scriptures, and speciallie vpon his ordinar text ; if he hes the Acts of the Counsell of [Trent ;] and quhat vther wryters of the controversies of religioun ; and if he vses the conference of brethren for his reformatioun in the doubts that he finds in his reiding, and of quhom ; if he hes ane ordinary course

of reiding the Scriptures, Ecclesiasticall Histories, and Controversies ; if he makes any memoriall of his travells in wryte ; quhat is his ordinary text ; if he be provydit in the title of the Personage or Viccarage, and if he hes sett any tacks therof, to quhom, and on quhat conditionn ; in whose hands are the rents of his kirk ; and quhat is the best overture he can give for provisioun of a stipend therat, in case it be not alreadie sufficientlie provydit : and sicht the Sessioun Booke.

The brother beand removit, let the Presbitrie be inquiryt ane be ane, and declare vpon their conscience quhat they know anent his graces, fidelitie in doctrine and discipline, and anent his lyfe and conversatioun. After the quhilk tryall, let him be judgeit, and either allowit or admonished ; or vtherwayes censured, as the cause requyres.

The tryall of the Congregationns.

Try every Minister particularlie, if ther be any Jesuites, Papists, Seminarie Priests, traffiquers against the estate of religioun and quyetnes of the countrey, within thair congregatioun, or refetters of them : if ther be any witches, excommunicats, contraveiners of the discipline of the Kirk ; [if ther be any superstitious dayes keipit, be setting out of banefires,] or vtherwayes ; if ther be any superstitious places of pilgrimages, wells, and chapells ; if ther be any non communicants ; [if ther be any] homicides, or deadlie feids ; if ther be any adulterers, or incestuous persons ; if the Sabbath be profaned be keeping of mercatts, or labouring, speciallie in the tyme of harvell : And as they find in the premilles, to take ordour for reformatioun of the points forsaids, or any part therof.

Tryell of the Presbitries.

Let the Moderatour be inquiryed, if they keip thair ordinar conventions ; if they have thair monethlie discourse vpon the commoun beids and disputations ; if they [have] visited the haille kirks within thair bounds sen the last generall visitatioun ; if they take ouklike and monethlie account of thair brethrens diligence in the discharge of thair dutie, by catechising and visiteing of thair families ; and sicklyke, if ther be any of thair number that be insolent, and will not acquiesce in the determinatiouns of his

brethren ; [if ther be any eyelift or divisioun amang the brethren ;] quhat vnplantit kirks are in thair bounds.

Qubilk forme the Assemblie thinks good, and ratifies and approves the samein ; and ordaines it to be vniversallie observed in all tyme comeing, in all visitatiouns within this realme : and ordaines the power of the visitours to be direct conforme to the acts of the Generall Assemblie.

The said day, the brethren appointit to visite the petitiouns of the Synodall of Fyffe, condiscendit vpon the anfuers following.

Anfuers to the Petitiouns of the Synodall of Fyfe.

1. Finds, that the Generall Assemblies sould be appointit and keipit according to the act of Parliament, haldin at Edinburgh the 5 of Junij 1592 zeirs, quherof the tenour followes, so farre as concerns that point : And sicklyke ratifies and approves the Generall Assemblies appointit be said kirk ; and declares that it salbe lawfull to the Kirk and Ministers, everie geir once at the least, or oftener pro re nata, as occasioun and necessitie shall requyre, to hald and keip Generall Assemblies ; provyding that the Kings Majestie, or his Commissioners with them, to be appointit be his Hienes, being present at ilk Generall Assemblie befor the dissolving therof, nominat and appoint a tyme and place, quhen and quher the nixt Generall Assemblie sould be : And in cace neither his Majestie nor his saids Commissioners beis present for the tyme, in that towne quher the Generall Assemblie beis haldin ; then and in that cace it salbe leifsum to the said Generall Assemblie be themselves to nominat and appoint tyme and place, [quhen and] quher the nixt Generall Assemblie of the Kirk beis keipit and haldin, as they have bein in vse thir tymes by past.

2. If his Majestie shall proceed against Ministers, according to his Majesties awin declaratioun made and enactit in the Generall Assemblie haldin at Dundie [1597,] Sessioun 10. the desyre of the second article is satisfied, and no vther thing meanit therby

3. Thinks it expedient, that the act anent the applicatioun in the Exercise be interpret not to be extendit to forbid the vsing of the Word of God in applicatioun to the general ends therof, quhilk is laifull to exercise after this manner : this heid of doctrine serves for the refutatioun of such ane errour, for the rebuik of such a vyce, for conforting of such a person in

such a case. And as for particular and personall applicatioun, leaves it to be advyfit, whether it falbe in tyme comeing or not, and how farre; and thinks it good, that this be reafonit in the Presbitries; and then [that] Commillioners [be] sent with their reafons to the next Assemblie theranent; and, in the meane tyme, no innovatioun to be vfit anent personall applicatioun.

4. Let all commillions be givin and vfed from this [tyme] foorth, according to the acts of the Generall Assemblie.

5. Finds, that Doctours hes had, and may have, vote in the Generall Assemblie, they haveand a lausfull commillion for that effect, according as it hes bein found be the General Assemblie haldin at Edinburgh the 10 of May [1586,] and at 1581, quher it is found and declarit be the act of the Generall Assemblie, that Doctours sould concurre with the Elders as brethren in all Assemblies.

6. Let the caveats be looked to, and preceissie keipit in tyme comeing, vnder the paines conteinit in the acts made theranent.

7. Anfuert in the Assemblie.

8. [Nothing to be done and concluded in Assemblies, except it be sufficiently reasoned and deliberated. C.]

9. Acquiefes in the declaratioun of the brethren that hes spokin to his Majestie theranent; and desyres Mr Walter Balcanquell to shew the same to the Assemblie, and how the Presbitrie of Edinburgh is satisfieid in this point.

10. Let thair names be given vp, that his Majestie may take ordour with them according to the lawis; and in speciall with Captaine Halkerstoun, Patrick Butter, Mr Alexander Leslie, Duncane Law, Thomas Browne, William Leslie of Coneraig, and Patrick Mortimer.

11. Anfuert in the Assemblie.

12. To acquiesce in his Majesties declaratioun heiranent, and [to] requieit his Majestie, that the Presbitries be acquaint heirafter, in such case quher it falbe neidfull.

13. Quher ther is negligence in this point, let it be amendit heirafter, according to the acts of the Assemblie.

14. Let farther diligence be vfit, quher negligence hes bein.

Quhilks anfuers the Assemblie allowes of, and ordaines the samein to be inferit in the Books of the Assemblie.

The quhilk day, the Generall Assemblie haveand advyfedlie confidderit the necellitie of appointing Commissioners from this present Assemblie, not only to awaite vpon such affaires as falbe for the weill and vtilitie of the Kirk [of God,] bot also to give advyse to his Majestie anent the halding furth [of the enemies] of the same, quhen they falbe requyrit be his Majestie therto : Therfor the brethren conveynit in this present Assemblie hes givin and grantit, lyke as they, be the tenour heirof, gives and grants thair full power and commissioun to the brethren vnderwrytin, viz. Mrs Robert Pont, David Lindfay, George Glaidstones, David Hoome, Johne Clappertoun, Johne Knox, Johne Spottiswood, Alexander Lindfay, Robert Howie, Johne Hall, Johne Caldcleugh, Johne Strauchan, Andro Knox, Gawin Hamiltoun, James Law, Andro Boyd, Alexander Dowglas, Alexander Forbes, Andro Leich, Robert Wilkie, Patrick Sharp, Peter Blackburne, Patrick Simfone, with the Kings Ministers, or any nyne of them ; Giveand, grantand, and committand to them thair full power to plant such kirks in Burrowstounes as [is] or falbe destitute of Pastours :

Attour, If it fall happin the Kings Majestie to be greivit at any of the Ministers for quhatsumevir enormitie committit be them against his Hienes, with power to them, or any nyne of them, as said is, to try and cognosce thervpon, and to take such ordour theranent as they fall think meitt to the glorie of God and weill of his Kirk.

And finallie, With power to them to present the greives and petitiones of this present Assemblie to his Majestie and Secreit Counsell, and generall Conventioun of Estates and Parliament, if any fall happin to be ; and to crave redresse of the samein : Promitten de rato.

The said day, the Assemblie, confidering that the conventiouns of the peiple, especiallie on the Sabboth day, are verie rare in many places, especiallie be distractioun of labour, not only in harvest and seid tyme, bot also every Sabboth, be fisching both of whyt fish and salmond fisching, and of ganging of mylnes, [the Assembly dischargeth, and inhibiteth all such labour of fisching, as well white fish as salmon fish, and going of mylnes,] of all forts vpon the Sabboth day, vnder the paine of incurrering the censures of the Kirk ; and ordaines the Commissioners of this present Assemblie to meane the samein to his Majestie, and to desyre that ane pecuniall paine might be injoynt vpon the contraveiners of this present act.

Anent the overtures givin in be the Commiſſioners of the conſtant plat, with the quhilk the brethren werø ordainit to be advyſit: After mature deliberatioun and voteing, the Aſſemblye thinks the ſecond overture moſt expedient to be acceptit, bearing the proviſioun of Miniſters to all Prelacies, with the conditionis therin conteinit, as is above expreſt.

Anent the planting of the kirks within the bounds of Annandaill, quhilk hes bein deſolat continuallie, ſen the reformation of the religioun within this cuntry: After that the Kings Maieſtie had made declaratioun of his godlie intent theranent, how that his Maieſtie was myndit to cauſe the barrones and gentlemen of Annandaill, at their compeiring befor his Hienes, quhilk wilbe ſhortlie, find ſufficient cation and ſovertie for proviſioun of reaſonable and competent livings to every ane of the kirks within the bounds of Annandaill; and therfor deſyreand that ane number of qualified men may be provydit for to enter in the Miniſtrie at the kirks within the ſaids bounds: The Aſſemblye ordaines every ane of the Commiſſioners preſent to give vp the names of ſuch perſons quho are vacand within thair Prelbitries, and willing to entir in the Miniſtrie, to the effect they may be exhortit and earneſtly dealt with be the Commiſſioners of the Generall Aſſemblye, quho ſhall plant them in places they think moſt meit, for to accept vpon them the cure of the ſaids kirks, how ſoone ſufficient proviſioun may be found out for them, and ſecuritie for themſelves: And in cace that after all the diſcretioun [be] vſit with them, they then reſuſe to accept the ſaids callings vpon them, the Aſſemblye declares that they ſhalbe countit vncapable of the function of the Miniſtrie, ay and quhill they meine themſelves to the ſaid Commiſſioners, whoſe calling and directioun they reſuſed, and be content to be employed in any part they [ſhall] think expedient; and if they be already actuall Miniſters, and craves transportation, if they reſuſe to be transportit to any of the ſaids vackand kirks, the Aſſemblye finds, that the libertie of transportation ſhalbe denyed to them, ſo that they ſhall remaine at the ſaids kirks, fra the quhilk they craveit to be transportit.

The names of such as are vacand.

BRECHIN.

Mr Hendrie Fullertoun.	Mr Dowgall Campbell.
Mr Thomas Hogge.	

ABERBROTHOCK.

Mr Thomas Glover.

DUNDIE.

Mr David Lindfay.	Mr John Scrymgeour.
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SANCT ANDROES.

Mr William Wedderburne.	Mr Daniel Wilkie.
Mr Peter Bruce.	Mr David Kynneir.

PERTH.

Mr Thomas Ros.	Mr Alexander Balnevis.
Mr James Ros.	Mr Patrick M ^c Greigour.

MERS.

Mr Johne Spotifwood.	Mr William Struther.
Mr Johne Gibfone.	

IRVING.

Mr Robert Boyd.	Mr Malcolme Hamiltoun.
Mr James Montgomerie.	Mr Robert Frensch.

LANERICK.

Mr George Cliddifdaill.	Mr David Lindfay.
Mr David Roger.	

Acta Sessione 6^a Novembris 1602.

Anent the supplicatioun givin in be Alexander Stewart of Gairlies, Provost of Dumfreis, in name and behalfe of the Counsell and communtie of the said towne, makand mentioun, that quher be the transportatioun of Mr Hew Fullertoun, some tyme Minister at thair kirk, the estate of thair congregatioun is altogether desolate in sick fort, that for inlake of a Pastor quho sould attend vpon the flock, and to care the weill of thair foules, they are not only depryvit of the spirituall food and confort of the Word, but also thair towne is become a receipt of excommunicat Papists and Jesuites; desyreand therfor the Assemblie to consider thair miserable estate, and to provyde some qualified man to be thair Pastour; and in speciall, one of the leits given in be them, viz. [Mrs David Barclay,] William Airthur, Alexander Scrymgeour, William Watfone, Hew Fullartoun; promising that [not] only that they wold be reverent hearers of the Word, but also [that] they wold concurre with him and assist him that salbe nominat to be thair Pastour, in the executioun of discipline of the Kirk to the vtermost of thair power; as at mair lenth is conteinit in thair supplicatioun: The Assemblie, after voting, hes chosin Mr William Airthur to be Minister at Dumfreis, quham they ordaine and appoint to be Minister at the said kirk, after incalling on the name of God.

The said day it was thought good be the brethren, to be meanit, that notwithstanding his Majesties good mynd and intentioun to have all the kirks within this realme sufficientlie plantit with Ministers with competent livings appointit for them; and albeit it was provydit be the act of Februar, and approvit in Parliament, that all the thrids of benefices sould be applyed to the vse of the Ministrie ay and quhill the kirks were plantit, and that pensiouns givin [in prejudice] therof sould be null; get be importune suteing, ane great part of the saids thrids are disponit in pensiouns, to the great hinderance not only of the present provisioun of Ministers, but also of the constant platt, quhilk his Majestie intends: Desyreing therfor that his Majestie were informit therof, and take such ordour, that the saids dispositions made in contrair the said act of Februar sould be retreatit, and that command be givin to the modifiers of the platt of this instant geir, to assigne out of the saids pensiouns for planting of kirks, notwithstanding of saids dispositiouns: The quhilk his Majestie most willinglie grantit, and promist to stay all farther gifts in any tyme coming.

Item, The Assemblie thocht expedient to adjoyne and nominat vthers out of the number of the brethren to be adjoynit to these, quhilk were nominat be Commissioners of Provinces conveynit at Halierudehous, the 15 of Oetober 1600 zeirs, out of the quhilk number his [Majestie] fould make choise of such as he fould present to the benefices vacand. The names of them all are, as followes, Mrs Robert Pont, Robert Howie, James Nicol-fone, Alexander Scrymgeour, Johne Forbes, Gawin Hamiltoun, George Monro, James Robertfone, Johne Howifone, James Melvill, Andro Knox, Patrik Galloway, Alexander Dowglas, Alexander Lindfay, Robert Wilkie, Johne Spottifwood, William Malcolme, Alexander Forbes, Johne Knox, Andro Lamb, Johne Clappertoun, George Grahame, Robert Bruce, John Carmichell, Patrick Lindfay.

Anent the requeist made be the Moderatour, in name of the haill Assemblie, to his Majestie, in favours of Mr Robert Bruce: His Majestie declairit that he wald doe in that matter be the advyce of the Commissioners of the Generall Assemblie, and [as] Mr Robert be his awin behaviour fould give him occasioun. And because Mr Robert Bruce had be his missive direct to his Majestie befor his departure aff the countrey, as also be the ratificatioun and farther examinatioun and explanatioun therof, in wryte [at Sanct Johnstoun] the 26 of Junij 1602, declarit his resolutioun of his Majesties innocencie, and guiltines of the Erle of Gowrie and his brother, and promised to divert the peiple so farre as in him lay, from their leud opiniouns and vncharitable constructiouns anent his Majesties actiouns, namelic, in this turne: Therfor, his Majestie defyrit the determinatioun of the Assemblie, Whither if the said Mr Robert fould lykewayes make the same declaratioun in pulpitt, according as it is at length sett doune in the said missive and explanatioun therof, at Perth, quherof the tenour followes.

Pleis your Majestie: Hearing that your Majestie was nothing relentit of the former wrath against me, and being now vpon the point to shew my obedience to your Majesties last charge, I could not omitt this as my last duetie, to intreat your Hienes clemencie, and to mitigate the extremitie of this intendit wrath. I am not ignorant of that speich, That the wrath of the Prince is the messinger of death; so that I crave, that the Lord for Chryfts sake may adde his blessing, and worke effectuallie in your Grace, as he fall see expedient for his awin glorie, and your Majesties perpetuall preservatioun.

Then to be short : To shew my conformitie with the rest of my bretheren of the Ministrie, as at all tymes, so now especiallie, to shew my reverence to your Majestie, and to cleir my suspectt affectiones heirin, I offer to give to the Father of our Lord Jesus Chryst, in him, and through him, most heartlie thanks for all your Majesties delyveries from your cradle to this present houre ; but namelie, for that delyverie quhilk he gave to your Majestie, [at Sanct Johnstoun,] on Tuesday the 5 of August, farre above all our deserts, and your Majesties expectation.

I offer also to stirre vp the peiple to that [same] duetie, and also to divert the peiple so farre as lyes in me, from thair lewd opiniouns, and vncharitable constructions of your Majesties actiouns, namelie in this turne.

Finallie, Ther is no duetie that your Majestie can crave of me, without the [manifest] offence of God, and hurt of my awin conscience, but I will doe it with als good a heart as ever I did [any] thing in this earth ; that if by any meanes I might testifie my good affection to your Majestie my Sovereigne, and to enjoy my naturall aire, and such vther comforts as the Lord hes given me vnder your Majesties reigne, quhilk I most humbly crave of your Majestie ; besekand the Lord to move your heart heirvnto for Chrysts sake. So waiting of your Hienes answer in all humilitie, I take my leave.

Sic subscribitur,

Mr ROBERT BRUCE.

[And upon the back therof, At Perth the 25 of June 1600. C.]

Farther, Concerning the heids within conteinit, I am resolvit [of] his Majesties innocencie, and the guiltines of the Erle of Gowrie and his brother, according as it is declairit be the act of Parliament ; and therfor acknowledges the great mercie of God towards his Majestie, haill Kirk, and countrey, in his Majesties delyverance ; for the quhilk I thank God from my heart.

Sic subscribitur,

Mr ROBERT BRUCE.

The quhilk the haill Assemblie, after votting, thocht not only reasonable, bot also concludes, that the said Mr Robert aucht to doe the same.

Anent the supplicatioun givin in be Mr Robert Pont, Minister at Sanct Cuthberts Kirk, delyreand, in respect of his great age, and long travells takin in the Kirk of God, and continuall seiknes quhilk followeth age,

that he might be releivit from the ordinarie burdein of the teaching, vpon condition that he fall substitute ane in his place quhen through infirmitie he fall not be able to teach himselfe : The Assemblie thinks his sute reasonable, and therfor condiscendit to the same.

Item, Because his Majestie declarit, that he was informit that fundrie of the Ministrie neglectit that part of thair duetie towards his Majestie in not giving thanks to God for the wonderfull delyverie of his Majestie from the treasonabill attempt [at Sanct Johnstou] of Johne sometyme Erle of Gowrie, and his brother, vpon every fyft day of August : Therfor the Assemblie statutes and ordaines, that in all burrowstounes within this realme ther be ordinar preaching and teaching every Tuesday, in the remembrance of the delyverie of his Majestie that day of the weik ; and that every fyft day of August ther be preaching in every kirk within this realme, to burgh and to land, thankand God of his Majesties delyverance that day of the moneth.

And because the peiple in landwart parochines cannot be so easilie conveynit as in burrowstounes, therfor, and for [their] better conveyning, it is ordainit, that everie Minister at everie landwart kirk fall, vpon the Sunday preceeding the fyft day of August, make intimatioun to his parochiners, that they conveyne the said day in the kirk with him, to thank God for his Majesties delyverance.

And to the effect that all ryotousnes, drunkennes, and vther filthie excifes, may be restrainit, his Majestie promised to cause all insolencie in behaviour to be dischargit and forbidden every geir be [open] proclamation, and Magistrats to take ordour with the contraveiners therof.

Item, The Assemblie ordaines, that no marriages be celebrate airlie in the morning, or with candle light ; and finds lykewayes, that it is leifum to celebrate the said band of mariage vpon the Sabboth day, or any vther preaching day, as the parties fall requyre and think expedient ; and ordaines the same to be indifferentlie done ; and that no ryotousnes be vsed at the same vpon the Sabboth day.

Item, It is statute, that the sacrament of baptisme be not refused to any infants, if the parent crave the same, he giveand a Christian confessioun of his faith, vpon any vther particular pretence ; and specially, that baptisme be not delayit to certaine particular dayis.

Anent the supplicatioun givin in be Mr Edward Bruce, Commendatour, Abbot of Kinlofs, makand mentioun, that quher he haveand ane tack and

affedatioun of the Kirk of Tarbet, sett be Mr Johne Monro, and Mr David Lindfay, Bifchop of Ros, the geirlie ductie quherof, albeit it extends only to the fowme of twa hundreth pounds, nevertheles [he,] for the better intertainment of the faid Mr Johne, actuall Miniſter at the faid kirk, hes conſcendit to convert the faid fowme of twa hundreth pounds in ten (twa?) chalder of beir as for ane conſtant ſtipend to the faid Mr Johne and his ſucceſſours, Miniſters at the faid kirk of Tarbet, vpon condition that the Miniſters of the Preſbitrie of Ros, quhilk are of the Chapter of the faid Biſchoprick, wald ratifie and approve this tack of the faid kirk, quhilk they wald willinglie doe, provyding the Aſſemblies [conſent] were obtainit therto, as at mair lenth is conteinit in the faid ſupplication: The Generall Aſſembly ratifies and approves the faids tack and affedatioun, fett to the faid Commendatour, of the teinds of the faid Kirk of Tarbet, as weill be the faid Mr Johne Monro as be the faid Mr David Lindfay; and ordaines the brethren of the Preſbitrie of Ros, quho are members of the faid Chapter, to conſent to the ſame be thair ſubſcription; becauſe they vnderſtand the faid kirk to be ſufficientlie plantit be the moyen forſaid.

Anent the ſupplication givin in be Mr Patrick Carmichaell, Miniſter at Aberdoure, makand mentioun, that quher the Aſſembly baldin at Montrois in Marche 1600 geirs, it was concludit, that Mr William Patoun ſould ſerve the cure of both the kirks of Aberdoure and Dalgatie, and for his ſervice ſauld uplift the auld ſtipend of both the faids kirks, ay and quhill ſufficient proviſioun were made for planting of both the faids kirks; and true it is that the faid complainer is now plantit Miniſter at Aberdoure; deſyreand, therfor, to cauſe the halfe of the faid ſtipend to be dimittit to him be the faid Mr William, in reſpect of his ſervice at one of the faids kirks: The Aſſembly finds [and decerns] the hail ſtipend contravertit to appertaine to Mr William Patoun, Miniſter at Dalgatie, conforme to his allignatioun of the crope and geir of God 1601 geirs, except the Viccarrage of Aberdoure, quhilk they adjudgeit to pertaine to the faid Miniſter at Aberdoure.

Anent the ſupplication givin in be the north Paroch of Leith, makand mentioun, that quher the Preſbitrie of Edinburgh hes erectit the faid north Paroch of Leith in ane parochin, quhilk is alſo approvin be the Synodall of Lawthiane; deſyreand, therfor, the ratificatioun of the Generall Aſſembly vnto the ſame: The Aſſembly ratifies and approves the erectioun forſaid in all points.

Anent the supplicatioun givin in be the inhabitants of the Ferrie of Scottiscraig, Garpat, Shamvall and Muirtaine, makand mentioun, That they being a great multitude, and farre distant from thair paroch kirk of Leuchars, they, with commoun consent of the haille parochiners, Presbitrie of Sanct Androes, and Synod of Fyffe, hath erectit ane paroch kirk in the said Ferrie, and almost compleitit the same, for the commoditie and vse of the peiple most adjacent therto; desyreand, therfor, the Assemblies authoritie to be interponit therto, and to give power to the Presbitrie to annexe sick villages as are most adjacent to the said paroch kirk: The Assemblée ratifies the erectioun forsaide, and gives power to the said Presbitrie to the effect above wrytin.

Anent the supplicatioun givin in be ane Noble Lord, Alexander Erle of Lynlithgow, makand mentioun, That quher it hes pleasit the brethren of the last Assemblée to relaxe Dame Helenor Hay, his spouse, from the sentence of excommunicatioun, and to injoyne certaine particular conditions to be observed be her, quhilks conditions, albeit she, of the stubbornes of her heart, wald no wayes condiscend to obey, to his great greife and sorrow; nevertheles, the brethren sould have consideratioun of his hard estate, quho cannot, be no law, separate himseife from her, notwithstanding that sho refuses to heare and obey the wholesome voyce of the Kirk, calling her to grace in Jesus Chryst; and the rather because he himseife, as he hes continuallie and constantlie profest the trueth and religioun presentlie profest within this realme, so he hes used all meanes possible for bringing his spouse to the true knowledge of the same; lykeas also he is readie to doe quhat lyes in his power, be all good meanes, to draw her to the trueth; desyrand, therfor, the Assemblée to pitie his daylie grieife, and shew him some favour in the mitigatioun of her punishment, and staying of the censure of excommunicatioun aganis her, that he be not compellit to remaine in societie with her that falbe cutt off from the societie of the Kirk: The Assemblée having confidderit the supplicatioun, continues the pronouncing of the sentence of excommunicatioun against her vnto the nixt Generall Assemblée, provydeing that the Kings Majestie remove his Hienes daughter out of her companie; and lykewayes that his Lordships bairnes be catechisit in the trueth; and lykewayes that his Majestie give command to him to debarre all Papists from his house; and that, in the meanetyme, his Lordship cause deale with his said spous, to sie if by any meanes sho may be drawin to the acknowledging of the trueth.

Sessio Vltima, 16 Novembris 1602.

Anent the supplicatioun givin in be the brethren of the Synod of Glasgow, makand mentioun, That quher albeit fundrie tymes, be their ætis, they had discharged Mr George Simple to have any meddling with the Ministrie of the Kirk of Killellane, for the causes and consideratiouns knowin to them, and speciallie for a great mislyking that specialls of the paroch had of him; nevertheles he had not only insillit in suteing of the said kirk, but also he had obteneit, be privie moyen, the consent of the Commillioners of the Generall Assemblie therto, for planting of him at the said kirk, the saids brethren not being heard, nor thair reasons in the contrair discussid; desyreing, therfor, that thair reasons may be heard, and, after dew tryall, that the Assemblie wald give thair finall sentence in the said matter, quhilk they wald obey:

The Assemblie, after due tryall, absolves the said Mr George from all evill crymes and eyliffs quhilk were laid to his charge, either be the brethren of the said province, or be the parochiners of Killellane, and gives him, be thir presentis, a testimonie of his honest behaviour; bot in respect that he was nevir plantit fullie Minister at the said kirk, and of the great mislyking that is betuixt him and fundrie of the saids parochiners of Killellane, as said is, they think it not good that he be plantit Minister at the said kirk; and, therfor, ordaines him to desist therfra, and to dimitt the presentatioun made to him of the benefice therof, in favours of Mr Johne Cunighame, quhom the Presbitrie hes thocht good to be Minister therat, vpon condition that the said Mr George be first satisfied be the said Mr Johne, for his said dimissioun, paines and lose sulteinit be him in pleying of the same: Quhilk satisfactioun salbe presentlie modified be Mr Johne Cowper, arbiter chosen for the said Mr William Cunnighame, and Mr Robert Pont, arbiter chosen for Mr George Sempill; and in case of variance, be Mr Patrick Galloway, as oddisman and ovirsman chosen be both thair consents: With provisioun lykeweyes that the said Mr George be first plantit at the Kirk of Kirkbeane, or any vther place quher his Majestie sall think expedient in the south west parts, with sufficient provisioun for his sustentatioun therat.

The said day, the Assemblie ordaines Richart Browne to be transportit to the kirk of Haliewood, and that the brethren deale with the Abbot for

a sufficient provisioun to the said kirk, and in speciall Mrs David Barklay, Robert Hunter, and Hew Fullertoun.

Item, The Assemblie ordaines, that, in all tyme comeing, the licence to be grantit to any beneficit Person to sett tackis, be restrainit either to ane lyferent tack, or to ane nynetein zeir tak allanerly.

Anent the supplicatioun givin in be Mr John Nicolfone of Laifwad, beirand, that quher he was kyndlie takfman of the teinds of his awin lands of Lesswaid, in respect quherof he had aggried with Mr George Ramsay, Deane of Restalrig, for renewing of his saids tacks for paying of a greater duetie then they payed of before, so that the kirk was sufficientlie plantit; to the quhilks the said Mr George condescendit; desyreand, therfor, the Assemblie to ratifie [and approue] the saids tackis, and declare the samein als sufficient as if ane speciall licence had been obtainit to sett the same: The Assemblie ratifies and approves the saids taks of the teinds of his awin lands of Lesswaid, and declares the samein als sufficient, as if a speciall licence had been obteneit therto.

Item, At the earnest sute of the Presbitries of Cliddisdail, Walter, Pryour of Blantyre, tackfman of the Personage of Glasgow, condescendit to give 15 chalders victuall, by and attour the duetie of his tacks, for the better provisioun of the Ministrie at the said kirk of Glasgow, vpon conditioun that the present Person shuld ratifie and approve his present tack that he hes to runne of the saids teinds: The Assemblie thinks the conditioun reasonable, and, therfor, ordaines the present Person to ratifie the same; and declares that the said Commendatour shall not be farther troublit for any greater provisioun to the said kirk during his saids tacks, be nane of the Ministrie serving that cure.

Anent the propositioun made in the Assemblie vpon the privat motiouns of fundrie particular brether, from diverse parts, to the Moderatour, desyreand that a certaine number of the brethren of best judgement and experience shuld be put apart to confidder of the chiefest dangers appeirand to religioun, and quyetnes of the estate of the countrey, and of the principall causes therof, and how the samein might be most effectuouslie preventit; with power to them to conclude, and communicat thair best advyces to his Majestie theranent, and to the Presbitries, so farre as shalbe found expedient: The Assemblie finds the samein most requisite, and, for the effect above wrytin, nominates, &c. with power as said is.

The quhilk brether having at length communicat thair informatioun, to-

gether with their awin knowledge, anent the premisses, Finds that ane of the cheifest causes of danger proceedis from the discontentment of some outrageous and malicious Papists, that rages and leaves nothing vnassayit to trouble; for being out of all esperance to have his Majesties indifferent affectioun, or oversight over them and their religioun during his reigne; and of vthers that be the executioun of justice finds themselves or their friends and their houses to have sustaint any lose, and to be impairit of their greatnes and dependance, and to be redactit to live vnder the obedience of lawis vtherwayes nor they were wont; and from the malicious bullines of certaine craftie and seditious persons, that either for the present necessitie of their awin estate, or for hope of advancement and gaine to be had in the change of the present governement, ceases not be all meanes to inflame the hearts of such as they perceive to be discontentit in any estate, and making every man to lie his awin desyre in the trouble of the countrey; dealing in the meanetyme lykewayes with such as are of the most sincere affectioun to religioun and justice, that things is not done in that integritie that is profest; prealing hereby to make the godlie and good subiects the more cold adverbaries to such as wold intend a trouble:

For remeid quherof it is thocht good and concludit, that his Majestie salbe informed heiranent, that, be his awin care and foirsight, such vngodly plats and counfells may be frustrate; and lielyke that every Minister within this realme fall deale generally with their congregatiouns and auditors, at all occasiouns, in their publick doctrine in pulpitt, and with all noblemen, barrones, gentlemen, and vthers that are of any speciall credit or power, particularlie in their privie conferences, perswading them of the Kings honest mynd for establishing of the true religioun presentlie profest within this realme, and of the executioun of justice, and of his stedfast resolutioun to hazard his estate, lyfe and crowne, in the cause of the Gospell, with the standing and falling quherof, he acknowledges his standing and falling to be inseparablie conjoynit; and that they mark narrowlie the actiouns of all men, specially of sitch as that either for religioun, or executioun of justice, or for the necessitie of their awin estate, millykes the present governement, and are inclined to novatiouns, and quhom they lie in any kynd of extraordinar bullines by their custome; and that they make his Majesties Ministers acquaint therewith, not ceasing in the meane tyme to bring them to ane quyet mynd: and for this effect, that in all their ordinarie meittings in Sessions, Presbitries, and Provinciall Assemblies, ther be a particular and

privat inquisition in thir points as neid beis, that his Majesties Ministers may be advertised with all expedition : And lykewayes it is thocht expedient and concludit, that his Majesties Ministers, and sick vthers of the Miniftrie as fall have occasioun to be in any charge about his Majestie, informe the Presbitries of the estate of things, as they proceed, so farre as it is neidful for the weill of the cause ; and that this advyce be extractit and sent with diligence to every Presbitrie in authentique forme.

The nixt Assemblie is appointit to be haldin at Aberdein, the last Tuesday of Julij 1604.

Thanks beand givin to God be the Moderatour, for the comfortable successe of this present Assemblie, the brethren were dismissed.

A.D. M.DC.IV.

[At Aberdeen the last day of July the year of God 1604, within Sanct Nicolas parish kirk of the Burgh of Aberdeen, at four hours after noon, or thereby, before these witnesses, Mrs Peter Blackburne, James Ross, Archibald Bleckburne, Ministers at Aberdeen, John Rough, Minister at Nig, Mr Thomas Nicolson, Commislar at Aberdeen, and George Nicolson, burgesses of the said burgh.

The which day, in presence of the witnesses foresaids and of us Connotars Publick under subscribing, compeared personally within the said parish kirk Mrs James Melvill, William Areskine, and William Murrey, Ministers of the Evangel of Jesus Christ, and presented a Commillion given unto them be their brethren of the Presbytrie of Sanct Andrews, wherby they are constitut Commillioners for them for keeping of the General Assembly at Aberdeen the month of July instant, as the said Commillion, which was read in audience of us, and the said witnesses, in itself at more length bears; whereof the tenor followes.

At Sanct Andrews the 26 of July 1604 years, the which day, after in calling of the name of God, the Presbytrie constituted and appointed their brethren, Mrs James Melvill, William Areskine, and William Murrey, their Commillioners to the General Assembly appointed to be holden at Aberdeen this month, giving to them their full commillion and expresse to pass to Aberdeen; and there, for the said Presbytrie, and in their name, to reason, vote, and conclude in such things as shall be handled in the said Assembly, and to doe whatsoever other things belong to the well of the

Kirk ; promising to ratifie and approve whatsomever their Commissioners shall doe therinto, according to the Word of God. In witness whereof they have commanded their Clerk to subscribe this present commission, day, year, and place foresaid.

Sic subscribitur,
Mr Robert Rough, Clerk of the Presbytrie,
at command of the same.

And therewith gave in, and presented in writ their protestation subsequent, which sicklyke was read in audience of us, and the said witnesses ; and was subscribed with their hands in our presence, whereof lykways the tenor followeth.

For as much as albeit the Kirk of Scotland ever since the reformation of religion, and light of the Gospel, rightly informed and instructed thereby, have thought it a most necessary duty aughtand to Christ, and his Kirk, to convene in their General Assemblies yearly, for keeping of the puritie of doctrine, exercising of discipline, and governing of the whole estate thereof with uniform consent and agreement, lyke as they have been in continual custom, use, and possession, to keep the same inviolable, as a chief and principal part of the office of the Ministrie commanded be the Lord Jesus Christ ; as also God has moved the heart of the King our Sovereign, with consent of his Majesties Estates in Parliament, be special act and law to ratifie and approve the same, granting liberty and freedom to the Ministers of the Kirk to convene in their General Assemblies once in the year at least, and oftner pro re nata ; and the Kings Majesty, of his special care and affection to the Kirk of Jesus Christ within his Hienes realme, gave his own presence at divers General Assemblies, as at the last holden at Halyrudhouse ; where certain grieves being given in, and amongst the rest, that the General Assemblies were not ordinarily kept, his Majestie with the said Assembly ordained that to be amended in tyme coming, appointing the act of Parliament made thereanent to be observed, inserting the very words of the said act of Parliament in the ordinance of the Assembly ; and according thereto, at the ending of the same Assembly, appointed the next General Assembly to be holden at Aberdeen, the last Tuesday of July, in the present year 1604. Nevertheless that day being now come, and instant wee found no appearance of keeping of the said appointed Assembly be the presence of the last Moderator, nor convention and meeting together

of brethren, Commillioners directed from Provinces and Presbyteries, to the great displeasure and grief of our hearts, namely, in so needfull a tyme, when messes are broken furth in divers parts of some of the chief burghs of the realme, Perth and Linlithgow; kirks and congregations lye pitifully unplanted; a careles coldness in all estates, namely of the Ministry itself, of the Gospel and glory of the Lord Jesus; and Atheism with all kind of vice overflowing the face of the land: Therefore wee Mrs James Melvill, William Murrey, and Areskine, Ministers, Commillioners appointed be the Presbytrie of Sanct Andrews to this present General Assembly, having precisely kepted the foresaid day set for the said Assembly, and attended in the Kirk of Aberdeen all the forenoon, without meeting of any Commillioners from other Presbyteries, since wee could doe no more, haue thought it our necessar duty, before God, and his Angels, and yow that are present, to take documents, and make protestation: Lyke as in the hands of yow Notars Publick wee take acts, instruments, and documents, that wee above nominat are here present, directed in commillion from our said Presbytrie of Sanct Andrewes, for keeping of the said appointed General Assembly, on this day, and in this place, so that it desert not so far as lyeth in us, but may hold and keep according to the Word of God, constitutions, and continual custome of our Kirk, the laws of the realme, and appointment of the last General Assembly, wherein the Kings Majesty was present. And wee protest before God, as said is, that whatsoever skaith, damage, or hurt the interest of the Kirk and Kingdom of Jesus Christ within this realme, in the priviledges, liberties, and freedom, or otherwayes, in the general or particular estate thereof, shall happen to sustain or incurre be the overseeing, negleeting, and slipping of the said appointed Assembly, it be not imputed to us nor our said Presbytrie of Sanct Andrewes: Protesting also expressly, that the same, if any be, may be amended and redressed be remeed of the Word of God, laws of the realme, acts and constitutions of our Kirk, and old liberty and freedom thereof, at such tyme and place as God shall think convenient. Thus protesting, and procuring most instantly and solemnly for the well, priviledge, and liberty of the said Kirk and Kingdom of Jesus Christ, established within this realme, moved and stirred up thereto for no other cause, as God the great Judge shall judge us, but that wee may doe and discharge a most necessar duty for the glory of Cbrill, safety of this Kirk, and the ease and relief of our consciences, in

that great day of his glorious appearance to call us to account of our Ministerie and dispensation.

Sic subscribitur,

Mr James Melville, Mr William Areskin, Mr William Murrey.

Which Commiſſion and Proteſtation being read, and preſented, as ſaid is, Mrs James Melvill, William Areskine, and William Murrey made their proteſtations conforme thereunto, and took documents and inſtruments thereupon, in the hands of us Connotars Publick under ſubſcribing, day, month, year, and place foreſaids, and before the witneſſes above mentioned, witneſſing theſe our ſubſcriptions manual.

Ita eſt, Magiſter Thomas Molleſonus, Scriba communis burgi de Aberdeen, Notarius Publicus, ac teſtis ad praemiſſa requiſitus et rogatus ;
Teſtante hac mea ſubſcriptione manuali.

Ita eſt, Gualterus Robertſone, Scriba ſubſtitutus burgi de Aberdeen, Connotarius Publicus in praemiſſis ſpecialiter requiſitus ; Teſtanti-
bus his meis ſigno et ſubſcriptione manualibus.

Ita eſt, David Marr, Connotarius, in praemiſſis rogatus et requiſitus ;
Teſtante hac mea ſubſcriptione manuali.

A.D. M.DC.V.

July 2.*

THE which day divers and fundrie brethren from divers and fundrie places and provinces in the land, instructed with sufficient commillions from their Presbyteries, to reason, vote, and conclude in the General Assembly appointed be his Majesties Commillioner, and Commillioners of the General Assembly, with continuation, directed from Perth the 4 of July, the year of God 1604, subscribed be his Majesties Commillioner the Laird of Lauristoun, and Mr Patrick Galloway Moderator of the last General Assembly holden at Halyrudhous, and Richard Thomson Clerk to the Commillioners, to be and begin at Aberdeen the first Tuesday of July 1605 years, if be sooner advertisement it cannot, being lawfully assembled upon the said warrant and direction, according to the warrant of the Word of God, laws of the countrey, and continual custom of the Kirk of God therein. After in calling of the name of God be Mr David Rait in absence of the last Moderator, Mr Patrick Galloway, Mrs Robert Durie, John Monroe, John Forbefs being put on leit, Mr John Forbefs, with uniform consent of the

* The great Commissioner Laurestoun with the Commissioners of the General Assembly had written to all the Presbyteries, for keeping of a General Assembly at Aberdeen the second of July. The missives directed to the Presbyteries, subscribed be Richard Thomson Clerk to the Commissioners of the General Assembly, differed in the day; in the missives directed to the North, was appointed the second day of July; in the missives directed to the South the 5th day: Therefore some came the 2d day, and some the fyft day.

whole brethren, was chosen Moderator ; his Majesties Commiffioner, the Laird of Laureftoun, having firft nominated the faid Mr Forbels to be mouth of the reft. And Mr John Sharp, in abfence of Mr Thomas Nicolfon, with confent of the whole brethren, was nominat and chosen Clerk.

The fame day his Majesties Commiffioner, having firft be word declared the decree of his Majesties Secret Counfell touching the faid meeting, did give in a letter directed for the Lords of his Majesties Secret Counsell, to the brethren of the faid Miniftry convened at the faid Affembly : The tenor and contents whereof follows.

Trustie friends, After our heartie falutations, hearing that ye have appointed an Affembly to be holden and kepted there at Aberdeen in the month of July next to come, whereby the Kings Majestie may take fome occasion of offence againft yow ; feeing neither has his Majestie been made privie to your refolution, nor yet has his Hienes confent and allowance bein fought and obtained to that effect, according to the law and custome enviolablie observed the many years by gane, wee have thereupon thought meet hereby to advertife you to confider this matter as appertaineth, and wifely to forfee what prejudice fuch rash and unadvised proceedings may draw upon your estate : For wee are perfuaded, if ye proceed to the holding of this Affembly without his Majesties approbation and allowance, that his Hienes will very hardly digeft that matter, and will account the fame as a contempt touching his Majestie in a high degree : And therefor it is our will and pleasure, and wee think it meet, and expedient for your own well, and the peace of the Kirk, and for intertaining and cherifhing that chriftian harmony which fhould be betwixt his Majestie and yow ; that ye diffolve yourfelves, repair every one to his own houle and calling, and fuffer this meeting to desert. And before ye appoint any new meeting, or Affembly, that ye acquaint his Majestie therewith ; whereby, as ye fhall testifie your obedience and conformity to his Majesties will and his lawes, fo we doubt not but his Majestie, upon your own fuit and fupplication, will in reafon give you contentment and fatiffaction herein. Wee have at greater length communicated our minds in this matter to the Laird of Laureftoun, one of his Majesties Privie Counsell, who will at length impart the fame to you. And fo wee commit you to God.

From Edinburgh the 20 of June 1605. Sic fubfcribitur,

Your good friends, Montrofe Commiffioner, Alexander Cancellarius, Blantyre Secretar, Prestoun, Cockburne.

Which letters, and desire therein contained, with the suit and desire of his Majesties Commillioner agreeing thereto, being rypely considered be the said Assembly, and having weighed the weightiness of the affaires necessary to be intreated, and rareness of their own number, divers of the Commillioners being stayed be the tempest of weather, and willing them, as at all tymes, to witness their willingness to satisfie his Majestie, and Lords of the Secret Counsell, in all their reasonable desires, so far forth as might stand with the Word of God, and testimonie of a good conscience, thought meet and expedient to continue the treating of the affairs pertaining to the said Assembly to the last Tuesday of September following, and to dissolve for the present according to the desire and suit of the letter foresaid : And ordaines intimation and warning to be made to all the Presbyteries within the land, to choose their Commillioners, and to send them authorized with power to the said Assembly to be holden at Aberdeen the last Tuesday of September next to come anno 1605.

After the which ordinance his Majesties Commillioner made protestation, that from the beginning he did not acknowledge the present meeting for a lawfull Assembly, in respect of the absence of the last Moderator, and Clerk ordinar.

The Moderator in name of the brethren protested again, that the said meeting was and behoved to be a lawful Assembly, in respect of the warrant of their meeting the said day before specified, the direction of the Word of God, the lawes of the land, and continual custome of the Kirk.

Which being done, the said Commillioner caused charge the brethren there assembled, to suffer the said Assemblie to desert under the paine of horning be John Wishart, Messenger, who delivered a subscribed copie of the said charge to the Moderator in name of the whole : The tenor whereof followes.

James be the grace of God, &c. For as much as albeit wee have signified our will and pleasure, that we cannot be resolved anent the General Assembly before the approaching Parliament, and the Parliament being ended, that wee will have occasion to direct the most expedient in that matter for the well of the Kirk : Nevertheless wee and the Lords of our Secret Counsell are informed, that, in this mean tyme, there is a General Convention and Assembly of the Ministrie appointed to be holden at our burgh of Aberdeen in the month of July next to come ; whereat a number of the Ministrie in this our realme intends to be present, wee being no wayes

acquainted, nor made foreseen thereof, nor yet our consent and allowance being had, and obtained to that effect, according to the laws, acts, and constitutions made thereanent, and to the custome observed herein, these many years bygane, whereby our directions and commandements in this matter will be violated highlie, to the offence and contempt of us, our authority, and lawes: Our will is herfor, and wee charge yow straitly, and command, that, incontinent these our letters seen, ye pass, and in our name and authority command and charge the whole Ministrie, who shall happen to convene to the said Assemblie, personally, if they can be apprehended; and failing thereof, be open proclamation at the mercat crofs of Aberdeen, that they suffer the said Assemblie to desert, repaire every one to his own dwelling and charge; and that they in no wise presume, nor take upon hand, to convene and assemble themselves together in any place, for keeping of the said Assemblie, under the pain of rebellion, and putting of them to the norne. With certification to them, and they failgie, they salbe denounced rebels, and put to the horn. As also that ye command and charge the Provost and Bailies of our said burgh of Aberdeen, that they suffer no such Assemblie, convention, or meeting of the Ministrie to be kept within their toun, as the said Provost and Bailiffes will answer to us, and our Secret Counsell, upon their dutifull discharge of their office. The which to do, &c.

Which being read and considered, the said Moderator, at the command of the brethren, took document, and note, in the hand of the said John Wishart being a Notar Publick, that they were ready instantly to obey the tenor of the said charge. The said John refusing the benefit of his office in that part, the Moderator, with the rest of the brethren, after in calling of the name of God, dissolved, and departed out of the Kirk, for obedience to his Majesties charge: And the said Moderator with the remnant brethren past immediately to the Common Clerks chamber of the said burgh, and there took documents in the hands of James Molleson Common Clerk: The tenor whereof followeth.

At Aberdeen the second day of July, the year of God 1605, in the Common Clerks writing chamber of the burgh of Aberdeen, at half hour to five in the after noon, or thereby, in presence of us Connotars, and witneses underwritten, compeared personally the Commissioners of the Ministrie of this realme, after following; They are to say, Mr Robert Durie, Minister at Anstruther, Mr Andrew Duncan, Minister at Carraill, Mr John Sharp,

Minister at Kilmenie, Mr Alexander Strauchan, Minister at Creich, Mr John Forbefs, Minister at Afurde, Mr William Forbefs, Minister at Kinbethock, Mr James Irving, Minister at Tuiche, Mr Robert Young, some time Minister at Clatt, Mr Robert Reid, Minister at Bancherie Trinitie, Mr Charles Farholme, Minister at Frazerburgh, Mr William Davidfon, Minister at Rathen, Mr David Robertfon, Minister at Rugley, Mr John Monro, Minister at Tane, Mr Archibald Blackburne, Minister at Aberdeen, Mr James Rofs, Minister there, and John Rough, Minister at Nige; and alledged, that they being convened in the Session house of the Kirk of this burgh of Aberdeen this day, as at the appointed day and place, for holding the General Assembly of the Ministrie of this realme, they were charged be John Wilhart Messenger, be vertue of his Majesties letters, given be act of his Hienes Secret Counsell, of the date at Edinburgh the 20 day of June last bypast, within the space of a quarter of an hour since, that they should suffer their Assembly to desert, repair every one of them to their own dwelling and charge; and that they are no wayes to presume, nor take upon hand to convene, nor assemble themselves in any place, for keeping of the said Assembly, under the pain of horning; as the copie of the said letters, which they shew to us Connotars, and witnesses underwritten, subscribed, as appeared, be the said John Wilhart Messenger, proports; and that for obedience to the command and charge of the said letters, they instantly, after the giving of the said charge, dissolved, without any farther action, and came immediatly furth of the said Session house and Kirk, to the said Common Clerks chamber, at the west end of the Tolbuith of the said burgh, as to the most publick place, to take notes, and instruments of their obedience to the command and charge of the said letters, and dissolving of the said Assembly in the hands of us Connotars under subscribing. And here-upon they craved and took instruments, day, month, and year foresaids, before these witnesses, Alexander Forbefs of Fingask, David Ronaldfon, John Tullidas, Mathew Donaldfon, John Kemp baker, Alexander Thomson skinner, burgesses of Aberdeen, Mr George Spence servitour to the said Mr John Forbefs, and Thomas Forbefs son to Thomas Forbesse elder, burgess of Aberdeen.

Sic subscribitur,

Ita est, Magister Thomas Mollesonus, Scriba Communis de Aberdeen.

Ita est, Walterus Robertfonus, Scriba Substitutus burgi de Aberdeen.

Mr John Sharp, Clerk to the Assembly.

Proclamation by the King in Council.

James &c. For as much as wee, be a special article signified with our own hand, and sent home with the Laird of Laurestoun our Commissioner, signified our will and pleasure, that wee for many causes could not be resolved anent the tyme of the General Assembly, before the approaching Parliament; and that in virtue of the said warrant, the Commissioners of the General Assembly, according to our pleasure, acquainted the Presbyteries of our realme, with our commandement in that matter; and willed and desired them to forbear all conveneing, meeting, or keeping of the said Assembly; nevertheless a very few number of the Ministrie, led with the spirit of disobedience, and contempt of all lawfull authority, most unlawfully and contemptuously convened themselves within our burgh of Aberdeen, upon the second day of July last; And misregarding the former discharge given to their Presbyteries, the letters of horning executed against themselves, with our Counsels missive letter delivered to them be our said Commissioner, they proceeded to the holding of an Assembly in such forme, as neither the absence of the best of the Ministrie, who would attempt nothing might be offensive to us, or prejudicial to the authority of a lawfull and solemne meeting of ane Assembly, nor the dissenting of our Commissioner, that any thing should be done therein, could make them dissolve, while first they had made election of their Moderator, and appointed a new day to their next Assembly; and they knowing that their inordinat meeting, which was assisted with so few of the Ministrie, and that of the most ignorant and least accounted, could not have the ground and warrant of a lawfull Assembly; and that there could not be any law, practick, or custom of any other reformed Kirk in Europ, to justifie and approve their doings: Lyke as the whole Commissioners of the General Assembly having assembled themselves thereafter, and after due consideration of their foolish proceeding, having found the same to be no lawfull Assembly, and all utterly disallowed the same, the said Ministers thereof, in further contempt and disdain of us, our Counsel, and Commissioners, have continually sensyne buffied themselves in soliciting and procuring the approbation, consent, and allowance of the whole Presbyteries of our realme, to their insolent and unlawfull proceedings, minding thereby to make their privat and factious proceedings to be a common cause of the Kirk, and by soli-

citing such unlawful approbation of the Presbyteries to pervert the whole order of our General Assemblies: wherein not only the personal presence of the whole, or most part of the Commissioners of the Presbyteries of our realme, is alwise necessary; and without the which there cannot be an Assembly, but our own consent, or consent of our Commissioner being present, which is altogether requisite: and so as they began with contempt of us, and break of our lawes, even so their unlawfull course and progres of their proceedings tend to nothing, but to heap contempt upon contempt, and will produce farther inconveniences, without remedie be provided. Our will is herefore, and wee charge yow straitly and command, that incontinent thir our letters seen, ye pass, and in our name and authority command and charge and inhibit all and sundrie Synods, Presbyteries, and Sessions of kirks, and Ministers within our realme, be open proclamation, at the Mercat Crollies of the head burrowes of our realme, and other places needfull, that none of them presume nor take upon hand privatly nor publickly in their Sessions, or meetings, nor in Conference, sermons, nor no other manner of way, to authorize, approve, justifie, or allow the said unlawfull meeting, and Assembly at Aberdeen; neither yet to make any act thereupon, nor doe any other thing, in privat or publick, which may seem to countenance the said unlawfull Assembly, under the pain to be reputed, holden, esteemed, and pursued as guilty of this unlawfull meeting, and to be punished therefor with all rigour. And selyke, that ye command and charge all and sundrie Lords, and Barons, and gentlemen, Magistrates, and all other our lieges, who shall happen to be present, and hear any Ministers in publick or in privat conferences, and speeches, or in their sermons, to approve and allow the said unlawfull Assembly, raile and utter any speeches against our royal commandements, or proceedings of our Counsell, for punishing and suppressing so hainous enormities, that they make relation and report thereof to our Counsell, and furnish probation; to the effect the same may be condignly punished, as they will answer to our Counsell thereupon: certifying them who shall hear and conceal the said speeches, they shall be esteemed allowers of the same, and fall be tane order with, and punished therefore without favour. The which to doe, &c.

Given at Edinburgh the eight day of August 1605.

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Copie of the Kings Miffive fent to the Prefbitrie of Dumfermline.

Trustie and weel beloved, we greet you heartily well. Our knowledge of the jealousies and distractions of the late time, arising without anie necessar or essential cause in the Kirk of Scotland, the progress whereof might tend to open dissension among the Pastors, to their own trouble, the evil example of our people, and our discontentment, having moved us to send for a number of the Ministrie, whom we understand to be of knowledge and good experience, that by their information the cause of these grieves might be truelie known, and the best means devised for removing such unnecessarie conventions, and reducing their proceedings to a settled good order for their own quietness and our obedience, we have not received that satisfaction of them which we expected, their answers tending more to ignorance of these distractions and grudges, (which to our grief are verie manifest to the world,) nor to anie advice of the remedies therof; and because we could not be blameless of undutifull negligence, if we should leave any good means unassayed, which might bring readiest remed unto bypast disorders, and best assurance for good order in the Kirk and obedience to our authoritie in time coming: Therefore we have thought it necessarie to appoint some Noblemen and others of our Counsell to convene with a good number of godlie, wise and learned Ministers of the Presbitries of that our Kingdom, at Linlithgow the 10 day of December next to come, to advise and resolve upon the remedies of bypast distractions, preventing of imminent dangers be the daylie increase of the number of Papists travelling in all corners of that Kingdom, to disturb the peace of the Kirk and countrie, and to subvert our royal estate, and for settling of good order and quietness in the Kirk, and obedience to our authoritie: For which purpose our will is, that ye direct Mr John Fairfull, Minister of Dumfermline, Mr Andrew Forrester, Minister there, and Mr James Stewart, Minister at Saulling, of your Presbitrie, to be present with such of our Nobilitie and Counsell as we have commanded to meet them the said day and place, that be them they may know our godlie and just desires, and that such as ye send may give their information, advice, concurrence and judgement for the furtherance of good order, peace, and obedience in the Kirk and countrie to our authoritie, preventing of Papists courses, delating of the names of the authors therof, and such as receipt Jesuits, Priests, and trafficking

Papists, or other excommunicated persons; as also such as resort not to the Kirk and communion according to our laws and acts of Parliament made thereanent; and in all other matters of the like nature, tending to the peace of the Kirk and our obedience, whereanent our constant affection to the advancement of all such godlie purposes will be more largelie signified unto them att the said meeting, be such of our Nobilitie and Counsell as have our exprels direction in these matters. So resting assured of your conformitie and dutifull obedience in the performance of this our command tending to so godlie and necessary ends, we bid you heartilie fairweel.

Att Newmarket the 20th of October 1606.

To our truſtie and well beloved the Miniſters of the
Preſbitrie of Dumfermline.

A. D. M.DC.VI.

IN the Affemblie of the Kirk of Scotland conveinit be his Majestie
and haldin at Linlithgow, Anno 1606,

Sessio 1^a. 10 Decembris,

Were present the Noblemen following :

Montrose.	Lothian.	Cullrofs.	Clerk Register.
Glencarne.	Mr of Montrose.	Halyrudhouse.	Bruntiland.
Linlithgow.	Mr of Lothian L. Newbottle.	Justice Clerk.	Kilfyth.
Orkney.	Lindsay.	Privie Seal.	
Dumbar.	Wchiltrie.	Advocat.	
Wigtown.	Skoone.	Collector.	
Kinghorne.	Blantyre.		
Abercorne.			

BARONS.

Kinnaird.	Sir John Hamilton.	Montrose.	Blantyre.
Torrie.	Balmaine.	Lindsay.	Kilfyth.
Balcolmnie.	Waughton.	Collector.	
Innerweek.	Balvaird.		

The Ministers out of the Presbitries were about the number of 130, out
of the most 3, out of some 5, some 6.

Mr Patrick Galloway, as Moderatour of the last Assembly, was desired to have preached on the morne. He refused, alledging he knew nothing of that meeting, and was not provided. It was answered, that the meeting should be prorogued to the 22 of that instant, and so he should have time to be provided; but he continued constant in his refusal. In end he was dealt with to make a prayer as his Majesties Minister, and not as Moderatour att the meeting, wherunto he yeilded. So the Bishop of Orkney, Mr James Law, made the sermon upon these words, Pray for the peace of Jerusalem. Therafter Mr Patrick addressed himself to the Moderatours place, prayed, and made a discourse upon Math. 18, 20. He opened the causes why his Majestie appointed the meeting, namelie, to take order with Papists; to advise what way Ministers might be better provided with constant stipends; and how jarres among the Pastors might be removed.

The Erle of Montrose principal in the Commission followed with a short harangue, which was explained by Mr Patrick, because his voice was weak. The sum wherof was, that we had all cause to praise God for the care that his Majestie had for the peace of this Kirk and maintainance of the freedom therof; and ended with an exhortation to the brethren convened, to judge charitable of his Majesties proceeding, and to give to his Hienes satisfaction in the matters to be proponed.

Mr John Prestown seconded him with a large discourse of the pains and travells which his Majestie had taen in the affairs of the Kirk, the manie good laws made by his Majestie for maintainance of religion, the great care his Majestie had to have all the Kirks of Scotland planted, and how in all the expeditions made in the South and North against his Hienes rebels, his Majestie employing ever some time in the affairs of the Kirk: And so ended with exhortation to give his Hienes satisfaction.

The Clerk of Register followed, affirming that seeing his Majestie was a Chrystian and religious Prince, and so well grounded in his religion to the admiration of the whole world, that he ought to be obeyed in all his directions, alledging Paul in his Epistle to Timothy, exhorting, for the peace of the Kirk, to pray for all Princes, especialie for the tyrant Nero, under whom they then suffered persecution. He remembered some speeches uttered by some of the Princes of Germanie, namelie the Duke of Saxony, extolling his Majesties constancie in his religion; and so inferred, that seeing strangers had so reverent regard of his Majestie, his own subjects should not be lead with a sinister conceit.

After this, Mr Patrick Galloway said it was needfull that there should be a Moderator chosen, and produced 4 in leit, viz. Mr Patrick Sharp, Mr Robert Howie, Mr Alexander Lindsay, Mr James Nicolson; and the said Mr James was chosen Moderator.

When he entered into his place, he assumed Mr Henry Philip, Minister of Arbroth, to be Scribe without the oath of fidelitie. Therafter a number were nominated for the privie conference, which was appointed to be that afternoon; and so the Assembly dissolved for that day.

Sessio 2^a. 11 Decembris.

The Assembly mett at eleven hours, and after prayer the Moderator examined the whole Bishops and Commissioners of Presbitries upon their diligence in seeking the execution of his Majesties laws against the Jesuits and excommunicated Papists, of whom there were some given in be everie Presbitrie in writte. There was no diligence reported but excuse; and the chief excuse was upon the oversight granted to the Marques of Huntlie and his Ladie. After a sharp rebook given unto the Bishops and the Commissioners for their negligence, and oversight in that point, the Assembly dissolved for that night, and the Conference appointed to meet the morne att 8 hours.

There were handled these points; 1. Anent the suppressing or reforming of Papists; 2. Anent the planting of all the kirks in this land; 3. Anent the remeed of the eyelifts and distractions that were among ourselves in the Ministrie here.

1. For the suppressing and reforming of Papists.

The Papists were ranked thus. Some were Jesuits, Priests, sayers and hearers of Messe; and the whole number of Ministers were posed in conscience to delate their names. Manie ample promises were made and conclusions taken for prosecuting the laws with all rigour against them; yea his Majesties garde here was then to be directed to take and apprehend them.

Some were recusants or not communicants, who were ordeaned to be

proceeded be the Kirk with all expedition, and their names also to be givin in with the roll to the Counsell, who promised to exact the penaltie in the law prescribed against them, who att least communicat not once everie year, and no exceptions of persons to be ; and this to be the civill punishment without prejudice of our censures ; and promise made that no letters shall be directed from Counsell, as was wont, to stay our discipline against anie person whatsoever.

Some were Noblemen contrarie minded and not as yett resolved, albeit they have subscribed, sworne, and communicated some time with us. These were ordained with all diligence to address themselves to severall burghes to hear the Word, confer, &c. for their better resolution ; and yett to be proceeded, except they wait well on and profited &c.

The Noblemen suspected of Papistrie are ordained to be confined in the towns following, viz. the Erle of Sutherland, his wife, and mother, in Innerness ; the Erle of Cathness and his Lady in Elgine ; the Marquiss of Huntlie, his wife and bairns, in Aberdeen ; the Erle of Angus, his wife and bairns, in Glasgow ; the Erle of Hume and Lord Hereis in Edinburgh ; the Lord Maxwell in Lyth ; the Lord Semple in Iruing.

And that these things might take effect according to the mind of that meeting, these two orders were devised. 1. That a letter of request should be formed and sent to his Majestie, for causing the foresaid Noblemen resort with diligence to their severall appointed cities. 2. That some brother be appointed ane Agent in everie Presbitrie, to informe the Counsell of all Papists, Jesuits, or Excommunicants within their bounds, to raise Letters, to keep the Counsells dyets, and to see the Counsells decreits put in execution, who should be a constant Moderator to be answerable for his diligence in these points ; and for his service he shall have in pension of his Majesties patrimonie ane hundred Scottish pounds, if he be not a Bishop in that Presbytrie : Otherwise, where the Bishop is, he shall have the burthen and receive no gain therefor.

The Acts of the General Assemblie anent the instructing of Noblemens sons at home, who passing out of the countrie returne Papists, are promised to pass be statute in the next Parliament.

2. For planting of Kirks.

1. The Lords Modifiers chosen and appointed att Parliament promised

to sitt down att Edinburgh the first of January, for modification of stipends to the Abbey Kirks of this new erection ; the same to be done in Bishops Kirks, and that be reason the act of annexation was dissolved in their favours in this last Parliament.

2. The benefices of cure, wherof Noblemen have a good part of the rent of, the Moderators, Bishops, Commissioners, are appointed to deale with our Lords of the College of Justice, for obteaining decreitts att least for sufficient provision.

3. Where they are small benefices and sett in tacks, to deal with the tacksmen for obteaining augmentation, and that be offering unto them new tacks, the greffome or entriffe silver wherof shall acres to the stipend in all tyme comeing, and not be employed to anie mans privat use ; and who refuseth augmentation, or this condition, their names to be sent to his Majestie, who shall take farther order with them, or ellis their tacks to be sett to others.

4. Where kirks are near adjacent, and aither mean in number or provision, then the Parliament shall unite two in one, and provide for them.

3. For takeing up the eyeleifts among the brethren, the causes therof were tryed to be these.

1. The warding of the brethren now banished and scattered, wherof the remeed was thought to be this, viz. a letter of supplication was appointed to be written to his Majestie, and a writte of information to be formed be some of that number who were best acquainted with his Majesties mind and pleasure, to be sent to the brethren to acknowledge their oversight.

2. The want of a General Assembly, which, with advice of his Majesties Commissioner at that meeting, was appointed to be holden at Edinburgh on the last Tuesday of July nixt.

3. A heavie suspicion and fear in all good mens hearts, that inbringing of Bishops in our kirk should spoil us of our discipline, &c.

For remeed wherof, the Bishops protested there was no such thing in their mindes, and willinglie submitted themselves in all time comeing to the judgement of the General Assemblie ; and that his Majesties minde and pleasure was never otherwise, but that the most wise and grave men might be Moderators of the Presbitries ad culpam, who should be subject to the judgement of the Provincial Assemblies, without any farther pouer

than they had before, except that his Majestie would have them members of his Parliament for the Kirk. Some objected their non residence within their Diocie, and not preaching there where their benefice lay. They answered, their benefices were spilt and wanted present provision; and therefore required a time to seek the benefite of the law.

That meeting ordeaned, that betuixt that time and July nixt, they should either make residence, or demitt their place to others who should do the same.

Then came in his Majesties desire, that untill the time that Papills were repressed, and jarres removed out of the Kirk, a constant Moderatour might be appointed for everie Presbitrie, because in the changing of the Moderator the diligence of executing the proces failed, because the new Moderator was unacquainted with the former proceedings. It was answered in the privie conference, that all the presbitries and everie brother thereof should know the estate and proceedings of matters, and so might be able to put matters in execution, and much more the fittest to be chosen to the purpose, according to the nature and estate of the affaires in hand.

Mr Patrick Galloway proponed 3 difficulties. 1. The prejudging of the Presbitries in their free election, who did best know the qualities of their members. 2. The tyrranizing of such a Moderatour over his brethren, and usurpation of jurisdiction and authoritie over them. 3. The prejudice of the General Assembly in the free nomination of Commissioners for everie Presbitrie, seeing by all appearance there was no other thing meant but to make a General Assembly consist of Bishops and Moderatours of Presbitries.

For removing of these difficulties, it was provided, that the Moderator should be answerable to the Synod for all his overlights and offences, and removeable be them after a lawfull tryall; and the worthiest of the Presbitrie preferred to his place.

That everie Presbitrie should have free election of two or three Commissioners to everie Assembly; and that it should be in their option to make choice of the Moderator or not; alwise all the Moderators are appointed to be present at everie Assembly.

These cautions being sett down, and the articles fullie aggried upon in the privie conference, it past in open Assembly, and agreed upon, that he who before was named the Agent, should be this constant Moderator. Two were non liquet; 4 refused to vote as wanting commillion; 125 Ministres agreed.

Last, There was an admonition and exhortation given to all the brethren, to entertean alwise charity and love among themselves, and to bewar to speake any thing unadvisedly against his Majesty.

The great Commiſſioner the Erle of Dunbar thanked the Convention in his Majesties name, desired the whole brethren to thank him, seeing they had found all things to their contentment, and pray for him; and to make it knoun to their brethren and people, so soon as they came home, what good was done att that Convention.

The Erles of Cassils and Eglintown thinking all things well done, desired a copie of all things concluded before their departure. It was alledged that could not instantlie be done. They promised with all diligence to go to Edinburgh and there cause putt in print all things concluded att that meeting, that all men might know them. C.]

Sessio 3^a. 12 Decembris.

In lyke maner the Conference finding that nothing mair weakened the credit and strenth of the Ministerie and discipline of the Kirk against Papists, nor mair emboldned the adversares to goe forward in their erronious course, than the appearances of division in the Ministrie among themselves, and the alienation quhilk seemeth to be of his Majesties mynd from some of them: Therefor, the removeing of all eyelyfts and shew of division and alienation of mynds, either among the Ministers themselves, or of his Majesties good affection and favour from any of them, was thocht ane soveraigne remedie for the effectual suppressing of Papistrie. And having searched and found out the cause of the distraction and alienation of mynds forsaids in the Ministrie, to be partlie a feare that some of their brether was of purpose and vpon course to subvert the libertie and discipline of the Kirk of Scotland, by removing their Sessiouns, Presbyteries, Provinciall and Generall Assemblies, or by vsurping in thair awin persons some sick tyrannous and vnlawfull jurisdiction as is no wayes lawfull, neither to be tolerated in a truelie Christian reformed Kirk, and to shake off that obedience to all good ordour and comelines, established or to be established by the lausfull assemblies with his Majesties consent; and partlie a greife that some of the brether were banished foorth of his Majesties dominions, and vthers diseased be long warding and relegation from their habitations and charges: And

finding lykewayes be the declaration of his Majesties commillioners, and sicker as were privie to his Majesties mynd, that his Hienes was no less grieved with divers formes and actions of some of the Ministrie, for not haveand due regard and care to vse sicker course in their actions and administratioun in the Kirk affaires, as might serve to intertain a solid peace and quyetnes betweene his Majestie and them, as lykewayes mutuallie amang themselves; and in speciall, that the charge of that government was oftentimes and almost ordinarlie committed to sicker as, for lake of wisdome and experience, was no wayes able to keip their estate in any good frame or quyetnes, quhervnto his Majestie imputed the chiefest cause of all the greifes and troubles quhilk had fallen out this lang tyme amangst the Ministrie themselves, or any offence given be any of them to his Majestie; and that his Majestie could not be satisfieid quhill this inconvenient were first removed, and a faithfull remedie provyded, that heirafter the lyke shold not fall out, quhilk his Majestie summarlie comprehended in this, if the affaires of the Kirk shold be administrat be the wyssest and most godlie; wherant also his Majesties speciall overture as heirafter followes, was proponed.

It is his Majesties advyse to this Assemblie, and pleasure, that presentlie ther be nominat in everie Presbyterie one of the most godlie and most grave, of greatest authoritie and experience, and meitest for government, to have the moderation of his Presbyterie quhere he remaines, till the present flurres and fyre of dissention quhilk is amangs the Ministrie, to the great prejudice of the authoritie and credit [of the same,] and the hinderance of the Gospell, and his Majesties high offence, be quenshed and taken away; and the noblemen and others professing Papistrie within this kingdome [be either reduced to the true profession and obedience of the Gospell, or ellis] so represt by justice and execution of lawes, or be the labours of the Ministrie and discipline of the Kirk, that they be not able to hinder the course of the Gospell, or strenthen and encourage the credit and power [of false religion, and that the chiefest burthen of delation of the said Papists, and sollicitation for justice and execution] of laws against them be committed unto the saids Moderators, and that the Bishops in the Presbyteries quher they are resident in one of the kirks of the Bithopric, have this care and burden committed vnto them; and seeing that it will credible fall out that in the Presbyteries, through the greatnes of parties and the langsumnes and difficultie of processe, the saids Moderators will sometymes be constrained to referre the doing heirof to the Provinciaill Assemblie and the Moderators

therof: It is therfor his Majesties advyse and pleasure that the moderation of the Provinciall Assemblies, and perfewing of actions of greatest difficultie be committed vnto the Bishop makand lawfull residence within the said province, or to the worthiest of them quhen it fall happen moe than ane to be in ane province, in respect that his Majestie hes bestowed vpon them moyane and places, quherby they may be able to beare out the charges and burdein of difficile and dangerous actions quhilk other ministers were not able to sustane, and lykewayes, by their credit and place in counsell, are able in sick causes, to procure greater celeritie and execution of justice as in sick cases will be requisite, than vthers.

The Conference having advysed, first, anent the taking away of the forsaids feirs and suspitions, and satisfaction of the griefes, and willing to vnderstand of his Majesties Commissioners, and sick as latelie had been acquainted with his Majesties intentions, and willing lykewise to heare the declaration of the Bishops heiranent as touching their awin intentions and purposes in this errand: It was declareit, that it was not in any wayes his Majesties purpose and intention to subvert and overthrow the present discipline of the Kirk of Scotland, but rather to augment and strenthen the samen so farre as it could serve for the well of the Gospell and the restraint of vyce, and to sie sick eyelists and offences as in the administration therof was the occasion of just discontentment vnto his Majestie, and a hinderance to the credit and authoritie of the ministrie [among the people, and amongst the Ministry] themselves, removed and tane away be sick good overtures as is above expressed.

In signe quherof, as ther is nothing done in derogation of the halding of the Sessions, the Presbyteries and Provinciall Assemblies, so it was never his Majesties intention, but that the keiping of Generall Assemblies at certaine competent tymes was, and is a most necessarie mean for the preservation of peace and vnion in the Kirk, and extermination of all heresie and schisme in the same: Therfor his Majestie doeth graciousslie declare, that as the Acts of Parliament doeth still stand in full force and effect for the conveying of Assemblies anes everie geir by his Majesties direction, so it is his Majesties will that the day of conveying the next Assembly falle at Edinburgh the last Tuesday of July.

Siclyke, the haill Bishops declarit that it was not their intention to vsurpe and exerce any tyrannous and vnlawfull jurisdiction and power over the brethren, nor to ingyre themselves any wayes vnlawfullie in the Kirks

government, or any part therof, farder nor fall be committed to them be the Prelbytries, Provinciaill or Generall Assemblies; and if it fould happen to fall out that they, or any of them, fould be found to doe the contrair, then, and in that cafe, they were content to fubmitt themselves vnto the censure of the Kirk als humblie as any other of the brether of the ministrie.

In lykemaner, it was declared that his Majestie, according to his accustomed longanimitie and patience towards lick as happened to offend him of the ministrie, had delayed for a verie lang tyme to give foorth any sentence against the brether now banished, still hoping that by their good behaviour and humble sute for his Hienes pardon and favour, his Majestie might have occasion to shew his clemencie towards them; and albeit his Majestie beand iustlie provoked, was moved to give forth his will anent their banishment, yet imediatlie, being requested in their favours be the Bishops and other brethren there present with them, it pleased his Majestie to declare, that their want of his favour proceedit upon their awin default, quho had never humbled themselves to seek his pardon as became them.

In respect quherof it was thought meit to direct the Bishop of Aberdeen, Mrs Patrick Sharp, Patrick Gallaway, Robert Wilkie, John Struchane, John Hall, John Hay, with the Moderator of the Assemblie, to write a letter to the said brether in their name, [givand them advyce so to frame and send their humble] sute to his Majestie for his pardon and favour to them as may give his Majestie greatest satisfaction, and that the Assemblie earnestlie requested his Majesties Commissioners and vthers Noblemen employed be his Majestie to this Assemblie, so soone as their said supplication fould come from them of the tenor forsaid, to concurre be their credit and intercession with his Majestie, to procure them to be partakers of that gracious favour quhilk his Majestie at no tyme heirtfoir refused to any of that profession quhom he fand willing to acknowledge and amend their oversight, and have recourse to his clemencie; for the quhilk declaration the Conference praised God, and thought good that the brethren fould be written to as is befoir said, and be the brethrin befoir named.

Thereafter, having considered the overture proponed to them in his Majesties name, and finding it in shew, to carie some appeirance of novation in the discipline of the Kirk, and fearing that it might bring with it some inconvenients: Therfor the Conference wold not take on them to determine their advyce theranent, quhill first the mater were exactlie

reasoned in their pference, and sufficient remeid provyded for preventing all inconvenients [which] might [be feared to] follow thereupon : Whereupon a good number of the most learned, godlie, and wisest of the brethren of the Conference, being appointed to reason and heare one after another ; and having exactly and at good length reasoned and examined quhatsoever inconvenients might follow upon the establishing of the said overture, it was considered and found at last be one vniverfall voyce and consent of the whole Conference, but contradiſtion, that the said overture was both wise and godlie, and tending many wayes to the well of the Kirk : Provydeing that certaine cautions were observed for preventing ſuch evils as might happen to fall out in caſe the said Moderators, or any of them, [ſhould] either arrogantlie preſume to vſurpe any farther power in the ſaids Presbyteries and Affemblies than it is comelie and lawfull for Moderators in ſick cauſes to doe, and preſently uſe, without innovating and altering at their owne fantaſies, and at their owne hands, the cuſtome that the diſcreit Moderators have vſed and aught to vſe in that place, or urtherwayes be found remiſſe in proponeing or proſecuting any good purpoſe or overtures quhilk ſould be given in be the brethren or any of them to the ſaids Presbyteries and Affemblies : and according to the doubts quhilk in reaſoning were found out and feared, the cautions following were aggried upon :

1. That it be provyded that the Moderators of Presbyteries and Provinciall Affemblies to be nominat and choſen according to his Majeſties overtures, ſhall preſume to doe nothing in the Presbyteries and Provinciall Affemblies where they moderate, without the ſpeciall advyſe and conſent of their brethren.

2. That the acts of the Generall Affemblies and caveats therein preſcrybed anent Biſhops be observed.

3. That they ſhall vſe no iuriſdiction or power farther than the Moderators of Presbyteries and Provinciall Affemblies has bein in uſe of, be the conſtitutions of the Kirk beſoir.

4. In caſe it ſhall happen the Moderators of Presbyteries or Provinciall Affemblies to be abſent the time of their convention, then it ſhall be in the power of the ſaids Provincials and Presbyteries, to nominate and chooſe out the wiſeſt and graveſt of their brether, to moderate their meittings in abſence of the ſaids Moderators.

5. Quhen the place of the Moderator in any Presbyterie ſhall happen to vaike, the election of another to ſucceed in his rowme, ſhall be made be the

whole Provinciall Assemblie, with consent of his Majesties Commillioners, if any happen to be there present for the tyme.

6. And quhen any of the saids Moderators fall happen to depart this life betuixt Assemblies, it fall be lawfull to the Presbyteries to nominat ane of the gravest and worthiest of their number to continue in the Moderation of the Presbyterie quhill the nixt Provinciall Assemblie.

7. The Moderators of the Presbyteries fall be subiect to the tryall and censure of the Provincials; and in case it fall happen that they be found to have been remisse in the discharge of their dуетie, or [to have presumed] to vsurpe over their brethren any farder power than is given them be the Assemblie, it fall be ane cause to them of deprivation from their office of Moderation, and they fall be deprieved therefra be the saids Provincials.

8. In lykemaner, the Moderator of the Provinciall Assemblie fall be tryed and censured be the Generall Assemblie; and if he be found there, or to have been remisse from his office of Moderation, or to have vsurped any farder power nor the simple place of ane Moderator, he fall be deprieved fra his said office of Moderation be the Generall Assemblie.

9. That the Moderator of ilk Presbyterie and Provinciall Assemblie, with their Scribes, being chosen, faithfull, wise, and formall men, be astrictit to be present at all Generall Assemblies as members therof, and to have the Register of the acts and proceeding of the Presbyteries and Provincials there present with them, that their fidelitie and diligence may be sein be the Generall Assemblie, and the estate of the countrey therby knawen.

10. That it fall be leifum to ilk Presbyterie to send Commillioners to the Generall Assemblie, by and attour the Moderator and Scribe, two or thrie, according to the act of the General Assemblie anent the Commiffioners from Presbitries to General Assemblies, if they fall think it expedient.

11. That it is heirby declared, that notwithstanding of any thing done at this tyme, the Sessions, Presbyteries, Provinciall and Generall Assemblies, are to be observed, keiped, and obeyed as they have bein heirtofoir.

12. That the Moderator of the Generall Assemblie be chosen be vote of the said Assemblie, certaine leits being first nominat and proponed frielie, as vse hes bein in tymes bypast.

13. That in everie Provinciall Assemblie quher there is no Bithop mak- and actuallie lawfull residence, and haveand the Moderation of ane of the

Presbyteries, the Moderators of the Presbyteries within the said Province beand proponed on leitt, the meitest of them fall be chosen be the said Assemblie Moderator thereof, his Majesties Commillioners consent there present beand had therto.

And farder, the Conference having examined the rolls of ilk Presbyterie, to sie if any was meiter to vse the office of moderation than these quhill befor hes bein nominat to have the care of the delation of Papists and vncommunicants, they fand in their judgement, that the same persons was of all vthers, in everie Presbyterie, meitest alswell to moderat as to haue care of delation forsaid ; reserveand alwayes vnto the Ministers of ilk Presbyterie here conveyit, their awne priviledge and power, to nominat vnto the Assemblie a meiter, if any be in the Presbyterie, for the moderation : And therefore the said Conference finds it expedient, that the persons forsaids accept and take vpon them presentlie the said office of moderation within the Presbyteries respectivé, and that the Presbyteries embrace and allow of them ; and for this effect, that the saids Moderators and Presbyteries be requesited thervnto earnestlie be this Assemblie, and if neid beis, lykewayis charged, that the Kirk of God be not long frustrat of the comfortable effects that the forsaid ordour is able shortlie, be the grace of God, to produce.

This overture beand proponed and declared at lenth in presence of the full Assemblie, everie article and heid therof was with ane vniform consent and allowance approved of all, without contradietion, except only so farre as concerned the Moderators in moderating of Presbyteries, and their continuance in the office of the Moderation begond the accustomed tyme, quheranent certaine doubts beand proponit and satisfied, and the Bishops haveand given their declaration foorth of their awne mouthes anent their intentions and purpose, to be subiect unto the acts and caveats of the Generall Assemblie, and to make residence within such a space as shold be limited to everie ane of them be this present Assemblie ; and if it shold be found expedient for the well of the Kirk, that other meiter and more worthie than they to possesse and occupie their places, to demitt their benefices at the pleasure of the Assemblie ; his Majesties consent [and approbation] beand had thereto, wherein they promised, and if neid were, to be earnest suiters at his Majesties hands. Lykeas some of them declared, that they had alreadie most humbly craved the same of his Majestie for the respect they had to take away all offence from their brethren, provyding

always if aither, vpon his Majesties advyse or proposition to the Assemblie, or their awne supplication, the Generall Assemblie be moved heirafter, to grant them any relaxation of any of the caveats, quhilk vpon good reason might appeare to the said Assemblie to be over strait, that this their promise fall make no derogation to the libertie quhilk the Assemblie heirafter fall be moved to grant them.

It was voted, and be pluralitie of votes concluded, to witt, his Majesties Commillioners, whole Nobilitie, Erles, and Barrons, to the number of threttie-three, together with ane hundreth twentie and sixe of the Ministrie votting affirmativé, that the said overture anent the continuance of the Moderators quhill the present divilion of the kirk be removed, and the whole brethren broght to that unitie of mynd and affection quhilk is agreeable to their calling, and may serve best to the furtherance of the cause of God, and overthrow of all contrarie cause, and the Papists als fullie repress or brocht to the obedience of the Gospell, sould passe and be enacted as ane of the conclusions of this Assemblie; the forsaid caveats beand alwayes keiped be everie ane of the said Moderators, and the contraveiners censured and punished as is befor exprest; foure only of the whole Assemblie be their votes disallenting therfra, and vther foure refusing to vote for want of commillion fra their presbyteries, and twa beand non liquet.

Extract foorth of the Book of the Acts of the Assemblie at Lynlithgow,
and subscriyvit be the Moderator and Scrybe thereof.

Sic Subscritur,
James Nicolfone, Moderator.
Master Hendrie Philp, Scrybe.

THE NAMES OF THE MODERATORS OF PRESBYTERIES.

SETLAND. Mr James Pitcairne.

ORKNAY. The Bishop of Orknay, in his absence Thomas Swintone, vpon his expenses.

CAITHNES. The Bishop of Caithnes, and in his absence Mr Samuel Bruce, vpon the Bishops expenses.

Taine. Mr Johne Ros.

ArDMANNATH. Mr George Monro, to be payed by the Bishop
of Ros quhill he be refident ther himfelfe.

INNERNES. Mr James Bifchop.

FORRES. Mr James Dundas.

ELGIN. The Bifhop of Murray.

DUMBENNAN. Mr Robert Hay, and failzeing of him Mr George
Chalmers.

CULLEN. Mr George Douglas.

BAMFF. Mr George Hay.

DEIR. Mr Abraham Sibbald.

ELLONE. Mr John Reid.

GARIOCH. Mr Robert Burnett.

AUFURD. Mr Alexander Guthrie.

KINKARDIN ONEILL. Mr John Strauchane.

ABERDEIN. The Bifhop of Aberdein.

MERNES. Mr Andro Ramfay.

BRECHIN. Mr Dugall Campbell.

ABERBROTHOK. Mr Arthur Futhie.

DUNDIE. Mr John Ramfay.

MEGLE. Mr James Nicolfone.

PERTH. Mr Alex. Lindeläy.

DUNKELD. Mr William Glafs.

COUPER. Mr William Scot, and till his return Mr Johne Cald-
cleuch.

SANCT ANDROIS. The Bishop of Sanct Andrews, and in his
abfence Mr Robert Wilkie, to be payit be the Bishop.

KIRKADIE. Mr John Michelfone.

DUNFERMLING. Mr John Fairfull.

AUCHTERARDOUR. Mr John Davidfone.

STRIVILING. Mr Patrick Simfone.

LYNLITHGOW. Mr Robert Cornwall.

EDINBURGH. Mr John Hall.

DALKEITH. Mr George Ramfay.

HADDINGTON. Mr James Carmichaell.

DUNBAR. Mr Edward Hepburne.

CHIRNESYDE. Mr John Clappertoun.

DUNCE. Mr David Hoome.

MELROS. Mr John Knox.

KELSO. Mr James Knox.

JEDBURT. Mr John Abernethie.

TWIDAILL. Mr James Logane.

LANERICK. Mr William Birnie.

HAMILTOUN. Mr Robert Dalkeith.

GLASGOW. The Bishop of Glasgou, and in his absence Mr Patrick Sharp.

PAISLAY. Mr John Hay.

DUMBARTON. Mr John Blackburne, and quhill he make residence, Mr William Stewart.

AIR. Mr John Inglis.

IRWING. Mr Alexander Scrimgeor.

DUMFRIES. Mr Thomas Ramfay.

KIRKUDBRIGHT. The Bishop of Galloway, and in his absence, Mr Robert Glandynning.

WIGTOUN. Mr James Adamfone.

ARGYLE. The Bishop of Argyle.

ISLES. Mr Robert Steuart in absence of the Bishop, and on his expenses.

Extract.

James Nicolfone, Moderator.

Maister Hendrie Philp, Scribe.

Followeth the tenour of Letters of Charge to Presbyteries to accept
constant Moderatours.

James by the grace of God &c. For as much as at the General As-
semble of the Kirk kept at our Burgh of Linlithgow, in the month of
December last, and assisted be a very frequent number of the Nobility,
Counsell, and Barons of the Kingdome, it was thought very meet and ex-
pedient, and in end concluded, and agreed with uniform consent of the
Assemble, that for the well of the Kirk, and staying of the growth and
number of Papists in this our Kingdome, there should be a constant Mo-
derator for a certain space nominated in every Presbytrie, who should
have the charge to inform the Lords of our Secret Counsell of all Papists
and recusants in their bounds, and to sute the execution of our laws against
them, as in that Act made thereupon at length is contained: Which
being seen, and considered be us, we have not only allowed and approved
the same, and interponed our authority thereto; but have recommended
to our Counsell, that they have a special care and regard to see the same
receive due obedience and execution; likeas was nominated
and appointed Moderator of the Presbytrie of And albeit it was
hoped that this godlie and necessar conclusion, importing so highly the
well of the Kirk, should have been with all thankfulness received and
embraced be the Presbyteries of this our kingdome: nevertheless the Mini-
sters of the Presbyteries of for what cause we know not, refuse,
at least delay to receive the said Moderator, and conforme themselves to
the ordinance and conclusion foresaid, the continuance whereof will al-
together make the same ineffectual, without remeed be provided. Our
will is herefor, and we charge you straitly and command, that incontinent
these our Letters seen, ye pals, and in our name and authority command
and charge all Ministers of the Presbytrie of . . .
. . . and their Clerk of the said Presbytrie, to conform themselves to the
ordinance and conclusion of the said Assemble, and to receive their said
Moderator, and to acknowledge him in all things dew to the priviledge
of that office, without excuse or delay, within 24 hours next after they be
charged be you thereto, under the pain of rebellion, and putting of them
to our horn; and if they fail therein, the said space being bypast, that ye
incontinent thereafter denounce the disobeyers our rebels, and put them to

our horn, and escheat and inbring all their movable goods to our use for their contemption. The which to doe we committ to you conjunctly and severally our full power be these our Letters, delivering them be you dewly executed, and indorsed again to the bearer.

Givin under our Signet at Edinburgh the vi day of January,
and of our reigne the 44 year 1607.

Per actum Secreti Consilij. James Primrose.

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Proclamation for proroguing the General Assembly indicted at Linlithgow
to be holden at Halyrudhous the last Tuesday of Julie.

James be the grace of God, King of Great Britain, France, &c.: For as much as the increafe of the adversaries of the truth, and contrarie professours, has proceeded of nothing so much as of the diffention of the Ministrie of our kingdome of Scotland, some of them by natural inclination being enemys of quietness, and turbulent spirits, making choice rather to drink in mudie water, than to taste of the clear fountain, being emboldened be reason of the societie of a great many others who being guiltie of themselves, of their own unworthieness, and small gifts in that respect, out of all hope of preferment, and therupon envayous, and uncharitable toward their brethren of the best quality; and all of them runne and concur together like a headstrong faction to uphold and maintain an anarchie, and thereby to induce disorder and confusion in that Church, to the great hindrance of the progres of the Gospel, and dishonour and scandal of the professours thereof: Whereupon we of our princely care and fatherly affection to the peace of the Kirk, desiring rather in them to extinguish the fire of division, than to suffer it to grow to any confusion, and being ever willing to an uniformity of minds and affections, did thereupon appoint a most grave, frequent and serious Assemblie, to be kept at Linlithgow in December last bypast, of a great number of the most godlie, zealous and well affected of the Nobility, Counsell, and small Barons, from all the parts of that our kingdome, as also the most learned and experienced, wise, godlie, and discreet of the Ministrie, from all the Presbyteries in great number, by whose travels, care, and wisdom, every occasion and pretext of griefe was in such moderation and godliness removed, that as the same did yield us contentment, so was every

thing done in that Assemblée with a great and general applause of all, giving great hopes, that from that furth there should be nothing found but unitie and concord in the Kirk, and that all their meetings thereafter should be full of peace and love; and thereupon, be our special warrant and allowance, it was specially appointed, that the nixt General Assemblée should be conveyened and holden at Halyrudhous, the last Tuesday of July nixt to come: But we now perceiving, that, by the means of these evil disposed, turbulent, and contentious spirits, all the proceedings of that Assemblée are brought in question, and traduced; and by some no obedience given, and by others direct opposition made to the Acts concluded at that time, and therewith among the brethren such distraction of minds, and bitter exasperations one against another; and howsoever the meeting of the brethren, if it were in love and peace and unity, no doubt would be good in that Kirk; so there is no question, but their conveyening with a preoccupied mind fraught with envy and malice, would give the enemys too much advantage to enter by that breach of their discord and division, to make themselves strong, and weaken them: Therefor, we, to preveen the danger that is imminent to the estate of the Kirk by the distraction of mens affections therein; and that the General Assemblée may be kept with the greater tranquillity and peace, have thought meet and expedient, the whole Provincial Assemblies, within that our kingdom, shall be kept and holden at their ordinary places of meeting the 4 of August next to come; and that in every one of the saids Assemblies there be chosen two of the most godlie, peaceable, wise, and grave, of the best experience of their number, with power and commission to convene at Halyrudhous, the 27 of August next to come, with the remanent Commissioners of the Provinces, and with the Commissioners of the General Assembly, and such of our Counsel as it shall please us to nominat for that effect, there to confer, reason, and conclude, by common advice, upon the most convenient remedys against these evils, which, for lake of sufficient preparation, might fall out at the said General Assembly, that thereafter the same being holden and kept in such a quiet and peaceable manner as might bring true comfort to the godlie, and terrour to the wicked: And, in the mean time, we have thought expedient, that the General Assemblée, which was to be holden, be prorogued to the 24 of November nixt to come; and that no person presume to keep the said Assemblée in any place whatsoever, untill the time that the Commissioners from the Synods first proceed in their meet-

ing ; and we have appointed the place of keeping the said General Assemblie to be in Dundie the day foresaid. Our will is herefor, and we charge you straitly and command, that incontinent thir our letters seen ye pass, and, in our name and authority, make publication and intimation hereof be open Proclamation &c. Certifying all such as upon any pretext whatsoever shall presume to convene and assemble themselves, contrare to the tenor and intent of this our Proclamation, they shall be punished and proceeded against, as contemnners and disobeyers of this our most royal commandment.

Given under our Signet at our Court of Greenwich the 24 of May, and of our Reigne the 45 years.

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Proclamation by the King, for proroguing the General Assemblie.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. For as much as the General Assemblie being appointed to be kept in the month of November next to come, at our Burgh of Dundie ; and upon a speciall regard to the well of that Church, for the preventing of all disorder and confusion in that meeting, which ought to be a president, and should give good example to all others of good order, discretion, and dutiful carriage, we having ordained a meeting of some Commissioners from every Synod in September last, to the effect all things may be so duetifully prepared as the adversaries of the Religion should not take any advantage of the contentions amongst the Brethren at their meeting : But so perverse is the disposition of some, who doe account nothing for oracles, but the invention of their own brain, that disdaining the course concluded be us, and by all appearent directly opposing themselves to the peace of that Church, by absenting themselves, or withstanding the sending of Commissioners to the foresaid meeting, which was appointed in September last, as said is, doe clearlie thereby demonstrat their unquiet and unrulie inclination, as too manifestly appears in this their insolent and wilfull misreguarding of these Acts of the Assemblie at Linlithgow made with so uniform an applause : but whereas this was more than sufficient cause to have stayed the meeting of the said Assemblie, which, without this preceeding preparation, must needs be tumultuous and disorderly ; so in like manner, Gods present visitation of our said Burgh of

Dundie be the Plague, inforceth the prorogation of the said Assemblée to some other time. As also whereas the last Assemblée kept in our presence, before our coming out of that Kingdome, special Commillion was given for visitation, the reports whereof are the only special things to be treated on in this Assemblée; yet so great has been the neglect of them who were appointed to goe every one in Circuit within the bounds of their visitation designed, that hitherto the same hath been pretermitted. To the effect, therefor, that in this point the convening of the said Assemblée should not be ineffectual, we have, by our special Letters, willed these Commillioners then appointed every one to have care in reporting against the time of the Assemblée hereunder mentioned, their several reports of their travels and tryels in their visitation; having also nominated others in place of such of the said Commillioners as since that time are either deceased, exiled, or confined. Our will is, herefore, ye pass, and in our name and authority make publication and intimation be open Proclamation, at the Mercat Crosses of our Burghs of Edinburgh, Perth, Dundie, and other places needful, that the General Assemblée is continued and prorogued to the last Tuesday of Aprile nixt to come, at which time it is to be kept within our said Burgh of Dundie, and betwixt and then it may be hoped that it may please God of his mercie to remove the said plague of pestilence. And in this mean space all Clergiemen whatsoever of whatsoever rank or degree are discharged heerby; like as that ye in our name and authority discharge them of all convening in anie form of pretended Assemblée at our said Burgh of Dundie, or any part ells, the said 24 day of November nixt, or any day thereafter before the said last Tuesday of Aprile, under the pain of incurring our high displeasure; and the contempt of the same to be punished in most severe manner and highest degree. The which to doe &c. Be these our Letters given at our Court of Roylloun, the 18 day of October, and of our Reigne the &c. Per Regem.

Proclamation by the King for again proroguing the General Assemblée.

James by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. our Sheriffs in that part conjunctly and severally, specially constituted, Greeting.

For as much as the General Assembly of the Kirk having, upon many

necessary confiderations, received fundrie continuations heretofore be our fpecial command and direktion, we, of our princely care, and fatherly favour, and affection to the peace and well of this Kirk, having left no good means unaffayed to extinguish the fire of divifion ftanding amongst the brethren, and to bring them to an uniformity of minds, and harmonie, and charity, and they themselves made the more able and ftiong to oppofe themselves againft the adverfaries of the truth, and contrarie profeflours, whose increafing number and praëtifes hath proceeded of nothing fo much as the diffention amongst the Miniftrie : and the laft prorogation and continuation having proceeded upon a godlie courfe and refolution intended by us be directing of the Commiffioners nominated be the General Affembly with our confent, to have vifited the whole Prefbytries and particular congregations within this our kingdome ; the faid vifitations, in refpect of the long and great ftorm, and unfeafonable time of the year, have received no effect nor execution. And we confidering how that it is moft neceffar and expedient, that this vifitation fhould yet preceed the faid Affembly ; and we being minded, if the neceffity of other weightie affairs impefche us not, to honour this our native country with our own prefence this year, and to be prefent ourfelf at the faid Affembly, and be our royal authority fettle the prefent jarres and differences in the Kirk, and eftablifh the fame in a perfect unity, love, and harmony : Therefor, we have thought meet yet to proroguat and continue the faid Affembly untill the laft Tuefday of July nixt to come, upon which day, God willing, it fhall begin and hold at our Burgh of Dundie. Our will is herefor, and we charge you ftraitly and command, that incontinent thefe our Letters feen ye pafs to the Mercat Croffe of our Burgh of Edinburgh, and other places needfull, and there be open Proclamation make publication hereof, wherethrough none pretend ignorance of the fame ; and that ye in our name and authority command and charge all and fundrie our fubjects of the Miniftrie, that none of them prefume nor take in hand to hold or keep a General Affembly at any time or place before the faid laft Tuefday of July nixt to come, under all higheft pain and charge that they may committ, and againft us in that behalf. The which to doe we committ to you, &c. deuly executed, and indorfed again to the bearer.

Given at our Court at Whitehall, the 24 of December, and of
our Reigne the 5, and 41 years 1607.

Per Regem.

.

Articles agreed upon be the Brethren convened at Falkland the 16 of June 1608, and be way of advice recommended to all the Presbyteries within the kingdom.

1. That the questions presently standing in controverlie among the Ministers anent the matters of government, be untouched and unhandled on either side, till the next General Assemblies, and no occasion given, be private or publick speeches, of any farther distraction of minds; but that all by good countenance and otherwise kythe themselves to others, as Brethren, and Ministers of Christ, setting themselves with their endeavours, specially in doctrine, against Papists, their superstitious religion, and proud pernicious practises.

2. That the General Assembly hold at the time appointed, which is the last Tuesday of July; and that his Majestie be most humble intreated for that effect.

3. That in the said Assembly the common affairs of the Kirk shall be handled, and an account of the Commissions given in the Assembly preceeding; and some solid course advised upon, for disappointing the practises of the enemys, and the advancing of the Gospel of Jesus Christ.

4. That nothing which is in controverlie and make strife in the Kirk, be treated in the said Assembly; but the same be conferred upon in a private conference, be such as the Assembly shall appoint to prepare a way for composing these differences; and the Assembly to appoint a meeting of brethren at such times, place, and manner, as they think fit for that effect.

5. That request shall be made to his Majestie, for relaxing the brethren that are confined; and speciallie such of them as have been present at the Conference, that they may keip the said Assembly.

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A. D. M.DC.VIII.

THE General Assemblie of the Commissioners from the Presbitries of the Kirk of Scotland, haldin at Lynlithgow, the 26 of Julij 1608 : In the quhilk were present the Kings Commiffioner, viz. the Earle of Dumbar, &c.

Sessio 1^a 26 Julij.

Exhortatioun being made be Mr Patrick Galloway, Moderatour of the last Assemblie, the brethren, after the accustomed maner, proceedit to the electioun of the Moderatour of this present Assemblie. The leits being nominat, Mrs Patrick Sharp, James Law, Bifchop of Orknay, John Michelfoune, Patrick Lindsay, John Hall, and Patrick Simfone ; be pluralitie of votis, Mr James Law, Bifchop of Orknay, was chofen Moderatour hac vice.

The Assessours appointit to conveine with the Moderatour in the Privie Conference for treating of such things as are to be concludit in the Assemblie, are these : The Erles of Dumbar, Wigtoun, and Lawthian, with the Collectour Generall, his Majesties Commiffioners, the Erles of Glencarne and Kinghorne, the Lords Grahame, Lindsay, Lowdoun, Blantyre, Halierudehous, the Lairds of Balmanie, Kinnaird, Kilfythe, Carnell, the Bifchop of Caithnes, Mr William Dowglas, the Bifchop of Aberdein, Mr George Hay, the Bifchop of Brechin, Mr Andro Leich, Mr Patrick Lindsay, Bifchop of Sanct Androes, Mr John Michelfone, Mr Patrick Simfone, Bifchop of Dunkeld, Bifchop of Dumblaine, Mr William Cowper, Mr Patrick Galloway, Mr John Hall, Mr David Hume, Mr John Knox, Bifchop of

Glasgow, Mr Patrick Sharp, Bishop of Galloway, Mr Alexander Scrymgeour, Mr William Hamilton, Mr Thomas Ranfay, Bishop of Argyle.

The houres of meiting are appointit to be, for the Privie Conference aught houres in the morning and twa afternoone; and for the Assemblie nyne houres in the morning and three afternoone.

The brethren appointit for reiding and answering of the bills are Mrs Airthur Futhie, Henrie Philp, John Clappertoun, John Reid, Peter Hewat, Edwart Hepburne, John Hay.

Sessio 2^a 27 Julij.

Forfameikle as one of the most speciall causes of the conventioun of this present Assemblie is for suppressing of Papistrie and idolatrie, quhilk daylie more and more increaseth within this realme, and repressing of Jesuites, Papists, Seminarie Priests, whose number still more and more increaseth within the same, to the great dishonour of God and overthrow of true religion profest within this realme, if the same be not with some solid remeid obviat in tyme: Therfor, it is thought expedient be the Assemblie, that befor all vther things, this article concerning Papists and Papistrie be first advyseit vpon and concludit. And to the effect that the Assemblie may the more solidlie and with the greater light proceed in the said matter, therfor they have ordainit, that the Commillioners of every Synod, at the ryling of this Sessioun, conveyne themselves severallie, and make ane roll containing the number of Papists and the names of them within the bounds of thair Synod: Secondly, The causes why Papistrie, idolatrie, and superstition is come to so great ane hight within this realme: Thridlie, The remeids for suppressing all sorts of Papists and Idolaters within the same, viz. Papists already excommunicat, Papists quho hes sworn and subservyt to the trueth, and yet refuses to imbrace the samein; and Papists that in word professes the trueth, but in action and in deid contrair the same: Fourthlie, Quhat forme of proceeding every Synod hes vsit against the Papists within thair bounds: Quhilks articles the said Synods shall put in wryte, and delyver the same to the Privie Conference at thrie afternoone.

It is lykeways ordainit, that every Synod shall make a particular roll of the names of such as are refetters of Jesuites, traffiqueing Papists, and Seminarie Priests within thair bounds, and delyver the same privlie to the

Erle of Dumbar his Maiesties Commiſſioner, to the effect ordour may be takin theranent.

Item, Becauſe the Marqueis of Huntlie hes bein lang vnder proces and cenſure of excommunicatioun befor the Synods of Aberdein and Murray ; and in reſpect of his contumacie, and obdurat ſuperſtitious of Papiftrie and Idolatrie, they have ordourlie led and deduceit the ſaid proceſſe vnto the finall ſentence, the giving forth and pronouncing quherof hes bein continuit be them from tyme to tyme, vpon hope of his Lordſhips amendement, and turning from Idolatrie and Papiflicall ſuperſtitious to the true religioun preſentlie profeſt within this realme ; and becauſe they find no hope of the ſame, but, be the contrair, greater obſtinacie : Therfor the haill Aſſembly in ane voyce decerns and ordaines the ſentence of excommunicatioun to be pronuncit againſt his Lordſhip with all poſſible diligence, and continues the declaratioun of the place quher the ſame ſhalbe done, and be quhom, to the nixt Aſſembly.

Sellio 3^a. Eodem die.

In preſence of the haill Aſſembly, compeirit Sir Thomas Ker of Hircha, Knight, in name of George Marqueis of Huntlie, and preſentit ane ſupplication, in name of the ſaid noble Lord, beand as followes : Becauſe that conſcience is the only argument that moveit me this wayes to protract tyme till I have perſytit reſolutioun, and being farre from ane opinator, or ane that is givin over to ſelfe will, as appeirit be my geilding to conference, and, laſtly, be my going to the Kirk, I firſt wold have craved, if poſſible it might have bein done, that I might have bein heard with my awin mouth, that I might moſt heartlie intreate it, that ane tyme might be condeſcendit on be your Wiſdoms, within the quhilk, as it ſhall pleaſe you to conclude, I offer either to ſatiffie the Kirk, or preſently to find ſurety vnder great ſowmes to avoyd the countrey befor this day to be preſcryved be your Wiſdomes. Et ſic ſubſcribitur, Huntlie. And conforme therto deſyrit the ſame to be conſiderit, and requieſts, in reſpect of the offers therein conteinit, the pronouncing of the ſentence of excommunicatioun againſt his Lordſhip might be continewit.

Wherewith the haill Aſſembly being rypely advyſit, fand the offers conteinit in the ſaid ſuppliatioun to be verie frivolous, and no wayes inclyning

to obedience and satisfactioun; in respect quberof, and for many vther causes and consideratiouns, and in speciall, because his Lordship, be his band, subscriyvit with his hand the last day of Junij 1608 zeirs, presentlie produceit in face of the Assemblie be the Commillioners of Aberdein, band and obleist himfelse to satisfie the Kirk, be communicating betuixt the dait therof and the 17 day of July last bypast, vtherwayes the Ministrie to proceed with the sentence of excommunicatioun against him, as at mair lenth in the said band is containit: Therfor, the haill Assemblie, all in ane voyce, ordaines the sentence of excommunicatioun presentlie to be pronouncit against him be the Moderatour of the Assemblie, in face of the haill Assemblie, but any delay.

Conforme to the quhilk ordinance, Mr James Law, Bischop of Orknay, Moderatour of this present Assemblie, in face therof, in most solemne forme, pronouncit the sentence of excommunication against George Marques of Huntlie.

Quhilk sentence is ordaint to be intimat in all the kirks within this realme, be the Ministrie the nixt Sondag immediatlie after thair returning from this Assemblie; and in speciall, they command and ordaine the brethren of the Synod of Aberdein and Murray to intimate the said sentence in the saids kirks immediatlie after thair returning, and inhibites and most straitlie charges them, and every ane of them, that they receive no offers of satisfactioun from the said Marqueis, but the speciall [advyce] of his Majestie and the Kirk had therto.

The Commillioners appointit in the former Sellioun for giving in the names of Papists, and [the causes of] thair increase, and remeid to obviat the same, produceit thair particular rolls, containing the [said heads, which the Assemblie thought good should be revied,] abridgit, and put in order be the Bischop of Glasgow, Mr Patrick Symfene, Mr William Cowper, Mr John Clappertoun, Mr John Hall, and Mr George Hay, to the effect the same might be presentit be them to the Privie Conference the nixt morning, that therafter they may be intreattit in face of the Assemblie.

Sellio 4^a 28 Julij.

Forfameikle as the brethren of the Prelbitrie of Glasgow and Synod of

Cliddisdail, who were appointit to deale and conferre with William Erle of Angus, Lord Dowglas, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presentlie profest within this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversion from his errors, but that rather by all evident tokens he was the more obstinat and obdurit in heresie of Papistrie, quhilk sometyme he abjurit befor, be subscribing of the true religioun presentlie profest within this realme: Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Glasgow to proceed against the said William Erle of Angus with the censures of the Kirk vnto the finall pronouncing of the sentence of excommunication aganis him inclusivé, with all possible diligence, and that they pronounce the said sentence of excommunication against him, betuixt and the 18 of September next to come; to quhom the Assemblie comitts thair hail power to that effect, dischargeing and inhibiteing any of them to receive any offers of the said Noble Lord for absolving him of the said sentence, without the advyse of his Majestie and Commissioners of the Assemblie had and obtenit therto.

Forsameikle as the brethren of the Presbitrie of Perth, quho were appointed to deale and conferre with Francis Erle of Erroll, Lord Hay, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presentlie profest within this realme, did testifie in presence of the Assemblie, that they could see no appearance in his Lordship of conversion from his errors, but that rather be all evident tokens he was the more obstinat and obdurit in his erracie of Papistrie, quhilk he sometyme abjurit before, be subscribing to the true religioun presentlie profest within this realme: Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Perth to proceed against the said Erle with the censures of the Kirk, vnto the final pronouncing of the sentence of excommunication against him inclusivé, with all possible diligence, and that they pronounce the said sentence against him betwixt and the 18 day of September next to come; to quhom the Assemblie commits thair full power to that effect, dischargeing and inhibiteing any of them to receive any offers from the said Noble Lord for absolving him fra the said sentence, without the advyce of his Majestie and Commissioners of the Assemblie had and obtenit therto.

Foraneikle as be the declaration of [the brethren of] the Presbitrie of Irwing, it was made known to the Assemblie, that after long dealing and conference had be them with the Lord Sempill for bringing him to the acknowledging of the trueth, [and embracing the true and sincere religion] presentlie profess [within this realme,] they could not reape any good fruit of thair labours and travells takin with him, but be the contrair he still continues obstinat and obdurit in his detestabill error of Papistrie and Idolatrie, to the great hurt and evill example of the rest of the countrey: Therfor, the Generall Assemblie presentlie conveyit charges straitlie [and commands] Mr Alexander Scrymgeour, Moderatour of the Presbitrie of Irwing, vnder the paine of infamie and deprivation from his functioun, to pronounce the sentence of excommunicatioun against the said Lord Sempill, in the Kirk of Irvine, vpon the Sondag the 14 day of August nixt to come, after the sermoun, but any [delay or] impediment quhatsumevir: And that the haill brethren of the Ministrie within the bounds of the Synod of Kyle, Carriek, and Cunighame, intimat the sentence of excommunicatioun so pronouncit against the said Lord Sempill, every ane of them at thair awin Paroch Kirks, vpon Sondag nixt and immediatlie following thereafter; discharging and inhibiteing also the said Moderatour and remanent brethren of the said Synod to receive any offers of satisfactioun from the said Lord Sempill, but advyse of the Kings Majestie and Commissioners of the Generall Assemblie had and obtainit therto.

Sessio 5^a. Eodem die.

The brethren appointit of befor for reviseing and putting in ordour of the causes of the increase of Papistrie within this realme, and of the overtures for remeiding and suppreting of the same, gave in the said causes and remeid therof; of the quhilk the tenour followes:

The causes of the growth and increase of Papistrie within this realme are thought either to arise of the part of the Ministrie, or els of vther causes ariseing from the Ministrie.

First, Thair negligence to sie the gouth in every parochin to be brought vp in the knowledge of the trueth by catechising; and carelesnes to vrge provisioun for Schooles within thair bounds.

Secondlie, The rash and sudden admissioun of men to the Ministrie

that are not able to withstand and convince the adverſarie, a dangerous evill in the dayes of apoſtaſie.

Thirdlie, The laike of care in Miniſters to marke the offences, viz. to conſider the courſe of the enemye, and to diſcover and dilate Jeſuites and traffiquers againſt religioun, and vthers pervertit by them.

Fourthlie, The diſtraction ariſeing among the Miniſtrie, quhill as diverſitie of judgements hes drawin them vnadvyſedlie to contrarietie of affectiones, breeding carnall contentiouns among themſelves.

Overtures for remeiding of the cauſes forſaids.

Fiſt, That it be of new inactit, that all Miniſters examine yong children of the age of fixe yeirs, and try that they have the Lords Prayer, the Articles of Beleife, and the Comandements; in the quhilk thair parents ſhalbe haldin to inſtruct them befor the ſaids yeirs, together with ſome ſhort forme of grace befor and after meate, and ſome ſhort morning and evening prayer: and agane, that thair growth in knowledge in greater points of religioun be tryed, that afterward it may pleaſe God to grant increaſe of knowledge at the age of fyftein or ſaxetein yeirs, they may be admittit to the holie Communion.

Secondlie, That the Apoſtles precept be conſiderit, Lay hands ſud-dainlie on no man: And according to it, that for cloſing of the doore vpon the affectiones of men, ſome longer tyme to be preſcryvit for admiſſioun of men to the Miniſtrie; the exceptionoun of rare gifts being reſervit to the judgement of the Generall Aſſembly.

Thirdlie, That Miniſters quho ſhalbe found after tryall to have delayit the executioun of diſcipline againſt Papifts vpon negligence, that is, either not beginning proceſſe, or, if it be begun, not ending the ſame within halfe ane yeir, ſhall loſe ane yeirs ſtipend; and thoſe that ſhalbe found to have done it vpon ſome corrupt favour, ſhalbe ſimplie depoſeit.

Fourthlie, That ther be recomendit to the Miniſtrie a holie care mutuallie to eſchew offences, and follow peace and love quhervnto we are callit. The meanes for removing ſuch offences is referrit to the Generall Aſſembly.

Cauſes of the growth of Papiftrie as they are conceivit to ariſe of vthers.

Fiſt, The overſieing of Seminarie Preiſts and Jeſuites to traffique within

the land, for perverting of such as hes not had occasioun to goe out of the countrey, and impunitie of such as hes receivit them; as also the libertie of evill disposed persons voyde of knowledge, hes takin of the iniurie of tyme, to bring hame the books of apostats and profest Papists.

Secondlie, The preferment of men suspect of religioun to publick offices within this realme.

Thridlie, The favour shewin be these that are in authoritie to traffiquers and excommunicat Papists, after that they had been apprehendit [and wardit,] lick as the Abbot of Newabbay and vthers Mels Preists dimittit out of ward, as it is thought not without reward, and without all warrand of his Majestie, and presentlie tolerate in the countrey without persute, quhilk hes not only wrought a coldnes in religioun in the hearts of many peiple, bot also nourischit a false opinioun of his Majestie, quhilks oppinly bursts out in the mouthes and speaches of many.

Fourthlie, That quher Presbitries are proceeding in the tryall of Mels fayers and mels hearers, impediment is made by the Lords of his Majesties Counsell, either by advocatioun befor the Lords, or dispensatioun to such as are excommunicat, or by contramanding the Presbitries to desist vnder the paines of horning; and that excommunicatioun being producit against any persone befor the Judges, the same is not regairdit, but procelle granted vnto him as if he were a member of the Kirk and not excommunicat.

Fyftlie, The great libertie grantit to the subiects of this kingdome to repaire to such parts, quherin nothing is taught but defectioun from religioun, and treason against lawfull Princes, and no securitie takin for thair constancie; and in speciall, the sending of Noblemens sonnes by such as are in authoritie, foorth of the land, with such convoy as may delyver them into the hands of Papists to be pervertit in religioun, quhervpon many of them are become apostats.

Last, The want of Preachers in many congregatiouns in this land, so that in ane province thretie ane Kirks are to be found vakand, and in vthers some 17 as in Nithefdaill, and in vthers 28 as in Annerdaill, and sicklyke throughout many vther parts of this land.

Overtures for remeiding of the causes forsaids.

First, That a commillioun be granted be his Majestie to the Bischop of every Synod, with such weill affected noblemen and gentlemen as the Com-

millioners of the Generall Affemblye fall nominat, to apprehend traffiqueing Papists, Jefuites, and Seminarie Preists that does haunt within thair bounds, with power to charge the receipters to make patent doores and delyver them vp vnder the paine of treaffoun.

Secondlie, That his Majestie be humblie intreatit, that no Papists or suspect of Papistrie beare charge in Counsell, Sessioun, Governement of Townes, nor vther Publick Offices; and if ther be any in the estate presentlie quhom his Hienes knowis, in his awin wisdom, to be men evill affectit towards religioun, that his Majestie wald be pleasit to take ordour therwith.

Thridlie, That his Majestie will give ordour for executioun of his Hienes lawis against Papists and traffiquers with all rigour, and that no favour be grantit be any officer of estate without his Majesties privitie, vnder paine of incurring his hie displeasure; as also, that the Counsell make no impediment by thair letters of horning to discharge the proceeding of Presbitries against the persons forsaids.

Fourthlie, That Papists quho once have bein knowin professours of Papistrie, and for eschewing of civill paines, or hope of preferment, will abjure thair religioun, that his Majestie will please to cause inact, that it fall not be lafull to such to enjoy any office or honour in the Comounwealth, notwithstanding of thair aith and communicating, vntill fyve geirs probatioun have bein takin of thair constancie and sinceritie in the professioun of the trueth.

Fyftlie, That the Act made at Bruntland concerning the sons of noblemen and vthers passing vnto other countries be considdered and confirmed, quherof the tenour followes:

Item, For eschewing of farther ill quhilk might come to the estate of religioun, be the evill educatioun of the youth foorth of the countrey, it wald be cravit of his Majestie and Secreit Counsell, that such noblemen and vthers as direct a paedagogue with thair sons foorth of the countrey, that thair paedagogue be knowin godly and of good religioun, learnit and instructit in the same, and approvit in his religioun be the testimoniall of his Presbitrie; that thair remaining foorth of the countrey be in the places quher the religioun is presentlie profest, or, at the leist, quher ther is no restraint of the same be the crueltie of Inquitioun; that dureing the tyme of thair absence they fall not have any idolatrous exercise of religioun; and such as hes not the moyen to sustaine a paedagogue with thair sons

foorth of the countrey, that they fend them to sick parts quher ther is no restraint of religioun; and in case thair sons, after thair departure out of the countrey, haunt these parts quher the [proffessioun of the] true religioun is restraint, that they find caution not to intertaine them. And in case any that passies foorth of the countrey imbrace any vther religioun then that quhilk is presentlie profest within this realme, and this to be ane exceptioun againt the service of thair breives, and at the tyme of the admillioun of them to any office or honours; and in case any of thair parents contravene any of these premisses, that they incurre such paines as his Majestie and Secret Counsell shall modifie; and that such as are alreadie out of the countrey either be callit back againe befor ane day to be appointit be his Majestie and Secret Counsell, or els that thair parents be subiect to the lyke conditionis as is befor sett downe, with such vther conditionis to be eikit as his Majestie shall think expedient: And in speciall, for better explanatioun heirof, that at every service of any man as heire to his father or any of his predeceffours, he be not servit be the Shireff or any vther ordinar Judge to burgh or land, but the testimoniall of the Bischop and Moderatour of the Presbitrie quher he dwells, beirand the confession of his faith and integritie of religioun presentlie profest within this realme.

Sextlie, That the sonnes of such noblemen as professes Papistrie be deliverit to the custodie of vthers thair noble friends that are of religioun, to be brocht vp in the knowledge of the trueth.

Sevintlie, That the searchers of merchandize broght hame from beyond seas, be comandit to sease vpon all bookes broght hame, and present them to be tryit be the Ministrie of the Presbitrie vnto the quhilk they arrive; and that all bookefellers lykewayes doe the same befor they make opin sale therof, vnder the paine of confiscatioun.

Auchtlie, That excommunicat Papists, speciallie such as be of rank, be apprehendit and put in close ward, and none have accessie vnto them but such as are of religioun presentlie professit.

Nyntlie, That his Majestie give ordour for the downe casting of the Laird of Gichts chappell, the house of John Chein in Ellilmonth, quho receipts all Jesuits and Seminarie Preists.

Tentlie, That ordour be takin with the Pilgrimages, viz. the Chappell callit Ordiquhell and the Chappell of Grace, and ane Well in the bounds of Enzie, on the south syde of Spey.

Elevintlie, That sick persons as are or salbe excommunicat and beares

publick office within this realme, and therafter put to the horne, that they nor thair deputs fall bruik no office nor authoritie vnder his Majestie after thair denunciatioun, but that his Majestie fall appoint vthers in thair rowmes to doe and ministrat justice to his Majesties lieges.

Last, That his Majestie wald take ordour anent the planting of the Kirks that are presentlie destitute of Pastors, and in speciall, anent the Kirks of the Chappell Royall.

Quhilks haill causes of increase of Papistrie within this realme, with the overtures for remeiding therof, the Assemblie hes thocht expedient that the same be direct to his Majestie, with ane humble supplicatioun, requieiting his Hienes to take such ordour theranent, as his Majestie fall think most expedient for repressing of Papistrie, and increase of the trueth and light of the Gospell within this realme: whervnto the Erle of Dumbar, his Majesties Commisioner, with the remanent of the Nobilitie presentlie conveynit in this Assembly, hes promisit to concurre: And therfor the Assemblie hes nominat, and be thir presents nominats [George Earle of Dumbar,] Erle of Wigtoun, John Archbischop of Glasgou, Levingstoun of Kilfyth, Mr William Cowper, Minister at Perth, James Nilbit burges of Edinburgh, and Mr William Hart of Prestoun, thair verie laufull Commissioners, giving them their full power to present the humble supplicatiouns of this present Assemblie to his Majestie, together with the causes of increase of Papistrie, and overtures for remeid therof above rehearfit, desireing them that they wald earnestlie intreat his Majestie to consider of the same; and if his Hienes thocht expedient to cause the same to be put to executioun, and that the rather because that after the last Conventioun haldin at Lynlithgow, quher ther was many good actis and constitutiouns sett downe and concludit, the Papists, neverthelesse, did most proudlie and contemptuousslie vpbraide diverse of the Ministrie, manassing them that they or the nobilitie conveynit with them at that tyme, durst be bold to conclude any thing that might pretend to the prejudice of Papists or Papistrie, as was cleirly understood be the brethren conveynit in this Assemblie.

Sessio 6^a. 29 Julij, Ante meridiem.

The quhilk day the Assemblie thocht expedient, that the Commissioners above specified, electit and chosin to present the supplicatioun of this present

Assemblie to his Majestie, as is above rehearfit, fall with all commodious diligence repaire to his Majestie, and with all humilitie present the said supplicatioun to his Majestie, and quhat ansuer it shall please his Hienes to give, that they report the same betuixt and the 15 of November next to come : And to that effect the Assemblie hes cholin out of their number the Noblemen, Barrons, and Brethren vnderwrytin, viz. Erles of Craufurd, Mortoun, Glencairne, Lythgow, Kinghorne, Lords Grahame, Lindsay, Saltoun, Lovat, Torphichen, Lowdown, Scone, Balcleugh, Blantyre, Halierudehous, the Constable of Dundie, the Lairds of Kynnaird, Balvaird, Carnell, Houstoun, Admiltoun, Broxmouthe, Polwart, Sir John Hoome of Northberwick, The Commissioners of Edinburgh, Perth, Sanct Androes, Glasgowe, with the brethren after following, viz. Mrs William Dowglas, Alexander Rawfone, Abraham Sibbald, John Reid, Arthur Futhie, Andro Ramfay, John Kynneir, David Lindsay, Adame Ballantyne, Patrick Weimes, Edward Hepburne, George Ramfay, William Methven, Patrick Shaw, William Birnie, Walter Stewart, Hew Fullertoun, John McQuhorne, Thomas Ramfay, Robert Glendinning, together with the Commissioners of this Generall Assemblie, to conveine at Edinburgh the said 15 day of November next to come, and ther to receive from the said Commissioners the report of his Majesties most gracious answer to the supplicatioun forsaid, in name of the haill Assemblie : And in the meane tyme, the Assemblie commands and ordaines the haill Presbitries within this realme to proceede against Papists of all sorts within their bounds with the censures of excommunication.

The said day the Commissioners of the last Generall Assemblie being callit to give count of thair haill proceedings since the last Assemblie, compeirit and offerit themselves to be tryit in thair proceedings be this present Assemblie, and to abyde at the censure of the same ; and being demandit for produccioun of thair acts and proceedings in wryt, declarit be the mouth of Mr John Hall, thair Moderatour, in absence of Mr Patrick Galloway, that the same could not be found, be reason that sometyme vniquhile Mr James Nicolfone, Minister at Meagle, and in his absence vniquhile Richard Thomefoune, Minister at Cassiltoun, were ordinar scribes and keepers of the rolls of all thair proceedings, quho are both deceased this tyme ; and albeit they have made travells at their executours hands for obtaining of the saids scrowis, yet they could in no wayes attaine vnto the same ; and therfor they and everie ane of them did offer themselves to be particularlie

cenfurit be this present Assemblée; [in respect whereof the Assemblée] ordainit them all to remove: quhilk being done, Mr William Couper, Moderatour, appointit to this effect, demandit publicklye, if any of the Assemblée had ought to object against the saids Commissioners proceedinges why the same might not be ratified and allowit: and in respect of the taciturnitie of the haill brethren, and that nothing worthie of censure was objectit to any of them for thair proceedings, the saids Commissioners being returnit in the Assemblée, tooke instruments of the ratification and allowance of thair saids proceedinges.

The said day, the brethren of the Generall Assemblée presentlie conveyit having advysedlie considerit the [necessity of] electing and choosung of Commissioners from this present Assemblée, for giving advyce to his Majestie for suppressing of Papisticall superstition quhilk increases more and more daylie within this realme: Therfor they have made, constitute, and ordainit, lykeas they, be the tenour heirof, maks, constitutes, and ordaines Mr George Glaidstones, Bischop of Sanct Androes, Mr John Spottiswood, Bischop of Glasgou, Mr David Lindsay, Bischop of Ros, Mr Alexander Lindsay, Bischop of Dunkeld, Mr Peter Blackburne, Bischop of Aberdein, Mr James Law, Bischop of Orkney, Mr Alexander Dowglas, Bischop of Murray, Mr Gawin Hamiltoun, Bischop of Galloway, Mr Alexander Forbes, Bischop of Cathnes, Mr Andro Lamb, Bischop of Brechin, Mr Andro Knox, Bischop of the Yles, Mr Patrick Galloway, Mr David Hoome, Mr John Clappertoun, Mr John Knox, Mr Robert Howie, Mr John Hall, Mr John Caulcleugh, Mr John Strauchane, Mr Andro Boyd, Mr Andro Leich, Mr Robert Wilkie, Mr Patrick Sharp, Mr Patrick Symfone, Mr George Hay, Mr Patrick Lindsay, Mr William Scott, Mr Adame Ballantyne, Mr John Hay, Mr William Cowper, or any eivin of them, thair verie lawfull and vndoubtit Commissioners from this present Assemblée; giveand, grantand, and committand to them, or any eivin of them, as said is, thair full power to plant such kirks in the speciall Burrowstounes as presentlie are or falbe [found] destitute of Pastors, befor the next Assemblée.

Attour, If it fall happin the Kings Majestie to be greivit at any of the Ministrie for quhatfomevir enormitie committit be any of them against his Hienes, with power to them, or any eivin of them, to try and cognosce thervpon, and take such ordour theranent as they fall think expedient to the glorie of God and weill of the Kirk; and, finallie, with power to them

to present the greives and petitionns of the Kirk to his Majestie, his Hienes Secreit Counsell, [Generall] Conventiouns, and Parliaments that fall happin to occurre befor the nixt Assemblie, and to crave redresse of the same: ordaining them to give compt of thair proceedings to the nixt Assemblie quhen it fall happin to conveine. Promitten de rato, &c.

It is alwayes speciallie provydit, that this present nominatioun of the same Commillioners, quhilks were for the most part Commillioners in the last Assemblie, salbe no wayes prejudiciall to the libertie of the Assemblie in choosling and electing Commillioners quhom they fall think most meitt and expedient; neither fall this electioun induce or import any perpetuitie of the office in the persons electit.

Item, It is statute, that the hail Commillioners be desyrit and warnit to keep all thair conventiouns, if opportunelie the same may be done.

Forfameikle as the distractions and eyelits, quhilk are suspectit to be in the hearts of the brethren among themselves, is one of the most speciall and vrgent causes of the increase of Papists and Papistrie within this realme: Therfor, for avoyding therof, that certaine of the brethren, viz. the Bischops of Sanct Androes, Glasgow, Ros, Orknay, Mr John Hall, Mr Patrick Simfene, Mr William Cowper, and Mr John Knox, conveine with his Majesties Commillioner to advyse vpon the most solid and substantiall overture for removeing of the eyelits and distractions, and to report the same to the Assemblie the nixt Sesslioun.

Sessio 7^a. 26 Julij. Post meridiem.

The said day, the brethren appointit for advyseing vpon the best overtures anent the distractions and eyelits that were entrit in the hearts of the Ministrie, declarit, that after mature deliberatioun they fand the saids eyelits and controversies to arise either vpon distractions of affectiouns, or vpon diversitie of opiniouns; the first quherof being carnall, and therfor more dangerous, because it sufferit not the brethrein whose affectiouns were separatit to vnite themselves with esauld and vniforme counsell and advyce, to resist the subtile practice of the commounemie, and so give him place with his subtile crafts and schists to enter in the Kirk of God, and therby to supplant and vndermyne the same: Therfor, thair advyce was, that as the danger increaseth be the nourishing of the distractit affec-

tiouns of the brethren, even so the cure was the more necessar, and the more hastilie to be applyit, to wit, that the haill brethren in the Ministrie fould presentlie, in the feare of God, lay downe all rancour and distractiouns of heart and affectiouns, quhilk either of them hes borne against vthers in any tymes bypast, and be reunited and reconcileit with heartie affectioun in Christ, as becomes them quho are Ministers of the Word of God, and Preachers of peace and Christian love and charitie to his people; to the effect that by this heartie reconciliatioun, thair hearts and devyse may be communicat for dissappointing of the craftie devyse of the commounemie: Quhilk advyce the haill brethren of the Assemblie most lovinglie and heartilie imbraceit, and ordainit every ane of them, asweill Commissioners present as of the Ministrie that were absent, to obey the same by laying downe all grudge or rancour that any of the brethren doe beare at vthers; in token quherof, and of the effauld vnioun of hearts and affectiouns, they all held vp thair hands to God, testifieing to his Majestie the truth of thair hearts in the said matter: And lykeways they ordainit the same to be intimat to the rest of thair brethren at thair returning to thair Presbitries, to the effect that the samein may be done in every Presbitrie immediatlie after thair returning, as said is; inhibiteing also and discharging any such distractiouns or rancour to be among them, either in affectioun, or in word, deid, or countenance, but that they concurre in ane mutuall friendship and holie amitie in God, as becomes the Pastours of the Kirk of Christ; and quhofoevir does in the contrair, that he be censurit in his awin Presbitrie or Synod; and in cace of thair negligence, be the Commissioners of the Generall Assemblie.

As for the second cause of eyleists, quhilk is said to arise vpon diversitie of opiniouns, because the said diversitie of opiniouns results vpon different judgements amangs the brethren concerning the externall government and discipline of the Kirk, quhilk cannot be so shortlie discussit and advyseit vpon as the brevitie of this Assemblie permitts: Therfor, it was the opinioun of the brethren forsaid, that the same fould be delayit to ane tyme more convenient, and in the meanetyme certaine appointit to reason, treat, and advyse vpon the same: quhilk lykeways the Assemblie hes thought expedient, and therfor, they have electit and chosin the brethren after following, viz. the Bischop of Sanct Androes, Bischop of Glasgou, Bischop of Dunkeld, Bischop of Orkney, Bischop of Cathnes, Mr Patrick Sharp, Mr Robert Howie, Mr John Michelson, Mr Henrie Philp, Mr George Hay,

Mr Patrick Galloway, Mr John Hall, Mr Patrick Simfone, Mr William Scott, Mr Archibald Oſwell, Mr John Knox, Mr John Carmichaell, Mr Adame Ballantyne, Mr John Weimes, and Mr William Cowper, thair Commiſſioners in that pairt, to conveyne with his Majestie, or lick of his Majesties Counsell as be his Majestie is appointit, [at such tyme and places as they shall be requyrit be his Majestie] and to treat, reason, and consult vpon all matters standing presentlie in controverſie among the brethren anent the diſcipline of the Kirk ; and quhatſoevir they aggrie vpon to report to the nixt Generall Aſſembly.

And in the meanetyme, quhill the nixt Aſſembly, for ane interim, the advyſe of the brethren conveynit at Falkland, the 16 of Junij laſt, be obſervit anent the conſtant Moderatour.

Item, It is ſtatute and ordainit, that as vpon every fyft day of Auguſt, publick thankſgiving is given to God, for the preſervatioun of his Maſteſtie from the treaſon of ſometyme John Erle of Gowrie, throughout all the parts of Great Britaine, that evin ſo the ſame be intimat at every paroch Kirk with all poſſible diligence, ordaining that ſuch as refuſes to doe the ſame, be obſervit and delait to the Commiſſioners of the Generall Aſſembly.

Item, Becauſe the brethren appointit for tryall of the diligence of the Commiſſioners appointit be the laſt Generall Aſſembly for viſitatioun of the Preſbitries, did report, that it was ane generall greife and complaint givin in be the few Commiſſioners, that had produceit thair diligence, of the great deſolatioun of the want of Paſtours, and in ſpeciall of the ſareſt of the South and North parts : Therfor the brethren ordaines the Commiſſioners of this Aſſembly to direct ane ſuppliatioun to his Maſteſtie for taking ordour for planting of the haill Kirks within this realme.

And in reſpect of the great neceſſitie of the Kirks of Annerdaill, Ewifdaill, and Eskdaile, and the reſt of the Kirks of the Dailis quhilk are altogether vnplantit, as lykewayes of the Kirks of Cathnes and Ros, in the quhilks it is regraitit that in many of them the holie communion was never celebrate : Therfor, the Aſſembly has givin and grantit, lykeas they, be the tenour heirof, gives and grants thair full power and commiſſioun to the brethren vnderwrytin, viz. to the Biſhop of Glaſgow, [and Mr John Knox,] for viſitatioun of the Kirks of Annerdaill, Ewifdaill, Eskdaile, and the reſt of the Dailis vnplantit, as ſaid is ; and to the Biſhop of Cathnes, George Dowglas, and Mr William Dowglas, for viſitatioun of the Kirks of Cathnes and Ros, with power to them to plant Miniſters at the Kirks

within the faids bounds respectivé ; and to try the literature, qualificatioun, and conversatioun of such as are already plantit, and in cace of vn sufficiency to deprive them from thair functiouns ; with power also to cause kirks be reedified quher as they are demolished ; and if neid beis to vnite kirks quher necessitie requyers ; and to report thair diligence to the nixt Affem- blie : Promitten de rato &c.

Sessio vltima. Penultimo die Julij, ante meridiem.

Item, Because ane great part of the desolatioun of Kirks proceids from the absence of certaine of the Ministrie from thair flocks, be reason they are so confynit : Therfor, the Affemblie hes thought it expedient, that thair Commissioners direct ane humble supplicatioun to his Majestie, humble desyreand his Hienes to sett at libertie such of the Ministrie as are confynit, to the effect be thair presence and waiting on thair cure, thair flocks may be comforted, quhilks are now left desolate.

Item, Because it is humble lamentit that the inhabitants of the towne of Aberdein ceases not geirlie to elect and choose such persons to be Magistrats and vpon thair Counsell as are wilfull and profest Papiſts, and enemies to the trueth profest within this realme, to the dishonouring of God, dishearting of such as feares his name, and to the contempt of discipline within that burgh : Therfor, it is ordainit [be the Affemblie,] that the Presbitrie of Aberdein inhibit the Counsell and inhabitants of the said burgh, that they elect nor choose no Papiſts to beare office of ane Magistrate or vpon any Counsell in any tyme comeing, and if they doe in the contrair, that they proceed against them with the censures of the Kirk ; ordaining lyke- wayes the Commissioners appointed for his Majestie to adjoyne this petition to the rest of thair supplicatiouns, that by his royall authoritie ane civill paine may be imponit vpon the contraveiners of the said act.

Item, It is ordainit, that no Minister in any tyme comeing fall take vpon him to solist in favours of Papiſts, or suspect of Papiſtrie, either before the civill or spirituall Judge, or vtherwayes, either be word or wryte, vnder the paine of deprivation.

Item, Because ther is fundrie supplicatiouns and bills givin into the Generall Affemblie, quhilk for the shortnes of tyme cannot be decydit and anfuerit : Therfor, the Generall Affemblie remitts the same to thair Com-

millioners above constitute, ordaining them to convene vpon the 15 day of November nixt to come, and ther to decyde and anfuer all fuch bills and fupplications as fhalbe directit vnto them vpon the back, from this prefent Affemblic.

Item, Becaufe it hes pleafed God of his mercie to grant a good and happie fuccelle to this prefent Conventioun, to the confort of his awin Kirk, and difcontentment of the enemies, therfor the Affemblic ordaines the fame to be intimat be every Prelbitrie at thair feverall paroch Kirks immediately after the diffolving of this Conventioun, and that they give publick thanks for the fame, and pray God for a prosperous and long reigne to his Majeftie and the health of his royall polleritie.

The nixt Generall Affemblic is ordainit to bald at Edinburgh the laft Tuefday of May 1609 zeirs, if his Majeftie fall think expedient.

Thanks being givin to God for the prosperous event of this prefent Affemblic be prayer and finging of pfalmes, the fame was dimittit.

[Extract furth of the Regifters of the Aëts of the General Affemblic by me Mr Thomas Nicolfone, Clerk Keeper and Extractor therof. C.]

[Proclamation by the King for proroguing the meeting of the Commiffioners appointed be the laft Affembly, from the 15 of November till the 6 of December.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. Meffengers, our Sheriffs in that part conjunctly and feverally, fpecialy conftituted, Greeting. Forasmuch as although the firft advertifement of the godly forwardnefs and zeal kythed be thefe of our Nobility, Clergy, and the other Eftates of this our kingdom, convene'd lately in a General Affemblic at our Burgh of Linlithgow, did give unto us no fmall caufe of joy and contentment, that there should be fo great a number of well affected and difpofed people in religion within our faid kingdome in thefe dayes, when blindnefs and ignorance have taken fo great hold in forain parts; yet fince that firft advertifement, we are fo much the more fatisfied and contented with their whole proceedings, being

certified of the same at length by our own Commissioner who was present all the time thereof, and be repair hither of some Commissioners selected out of everie Estate, and directed be the said Assemblée, suited unto us for the allowance of certain matters moved amongst them; upon the first hearing of which propositions, we having clearly discovered the true difference betuixt the lawfull and unlawfull meetings, and the good fruits that well licensed and lawfull convened Assemblies will produce, concurring together in a continued harmonie to advert the common enemy, and to deliberate upon such matters, whereby his growth and increase may be stayed; and that such in whom errors are so far rooted as there is no hope of reclaiming, may be either utterly suppressed, or at least brought to that case, that they need not to be feared in any sort, or regarded; and not according to some late proove of unlawfull conventicles, who upon a hair brained folie do preasse to rais a schesim in the Church, and by division doe give that advantage to the enemy, that their untimous concurring afterward together will hardly gett remedied: and as love is the main point in all religion, so the tokens of a general uniformity amongst the Clergy and other Estates there convened, uttered be them before the dissolving of their Assemblée, did testifie to the world, with what true sincerity and affection of heart that whole meeting was; wherein their proceedings, by excommunication of one of the great subjects in this land, did therewith shew the small regard they have to offend any that are of contrarie profession; which as we cannot but commend very much in them, so since the Almighty God hath been pleased to committ the Patrocinie of this Church in our dominions to our care and protection as his Lieutenant here on earth, and nurse Father of the same, we intend no way to be defective therein, but to assist all the lawfull proceedings of that Church, as well in advancing the Gospel as repressing contrarie professors. And having considered the petitions brought unto us by these Commissioners sent from the said Assemblée, as we doe very well allow of the same, so for the better encouraging of these who have had this turn in hand, of whom we hold everie one in their own degree to have deserved our special thanks, and to affray all such who dare kyth themselves of a contrarie faith; it being certified unto us, that, at the dissolving of the said Assemblée, certain of everie Estate were appointed to meet at Edinburgh, the 15 of November next, to attend the Commissioners return, and to understand from them our acceptation of the propositions brought hither with them; and we being willing not only to

declare our allowance of the same, but farther to authorize and countenance the same with our royal authority and pouer, have therefor thought meet to appoint a Convention of our Estates of this our kingdom, the 6th day of December nixt, against which time we doe intend to send down thither our particular pleasure and will concerning all these petitions preferred be the said Commissioners to us. Our will is, therefor, and we charge you straitly and command, that incontinent these our Letters seen ye pass to the Mercat Crofs of our Burghs of Edinburgh, Perth, Sterline, Glasgow, Dundee, Aberdeen, Elgine, Dumfries, and other places needfull, and there, in our name and authority, be open Proclamation, make intimation to all such who expect for the return of our answere at the said 15 day of November, that they repair to our said Burgh of Edinburgh, the said 6 day of December nixt, where we intend not only a good, plaufable and acceptable answere delivered for the true comfort of all good professours; but that some such farther courses also shall be concluded upon by our Estates to be at that time convened, as may most avail for the prosecuting of may both represse the common enemy; and that, in this happie union of the Church of that our Kingdome, God his glory may be advanced, and true religion professed.

Given at our Mannour of Hamptoun Court, the 2d day of October,
and of our reigne the 6, and 42 years, 1608.

Per Regem.

The Convention of Estates appointed by the Kings Proclamation to be holden at Edinburgh, on the 6 day December, was continued to the 24 of Januar, 1609.

On which day, the Kings Commillioner the Earle of Dumbar being present, there was holden at Edinburgh a General Convention of the Estates, to hear the report of the Kings answere to the Petitions of the last General Assembly. The Bishop of Glasgow, Mr John Spotswood, rehearsed at great length the Kings speeches concerning the approbation of all that was done at the last Assembly, yea, that he commended the same

fo farre that he confessed, that if he had been there in his own person he would neither have done more nor less than they had done. What concerned Papists and Papistrie, that, said he, his Majestie has granted absolutely, yea, hath sent the Earle of Dumbar armed with all authority needfull to doe, as they craved. But as for the Brethren that are under the Kings displeasure, who were banished, imprisoned or confined, that if they would make an humble supplication for their libertie, so gentle and clement was his Majestie, that he would be readier to grant, then they to suit. These things reported at length be the Bishop of Glasgow and Mr William Couper, Mr James Law, Bishop of Orknay, Moderator of the last Assemblie, asked at the Noblemen, what they thought of the Report. They all in one voice answered, they thought well of it, and praised God from their hearts, for giving them such a religious and gracious Prince, who had such a respect to the glory of God, and good estate of the Kirk, and hated everie thing that was prejudicial to the same.

Then were past the following resolutions. First, That the Bishops should be examiners of Pedagogues that passed with Noblemen and Gentlemens sons out of the countrie.

Item, That none suspected of Popery that are young Gentlemen, be entred to their lands, except they have the Bishops recommendation to the inqueists, and a testificat of their soundness in religion.

In end, mention was made of the Conference which was to be holden between the Bishops and the Ministers. The Bishop of Glasgow said, that a day was appointed already be the Earle of Dumbar, and the Commissioners of the Kirk, in Februar next to come; and for that effect advertisment should be made to all having entrels.

Follow the Memorials penned by Mr Spotfwood, Bishop of Glasgow, sent to his Majestie by the Bishop of Galloway, Mr Gawin Hamiltoun.

Memorials to be propounded to his most excellent Majestie.

1. Yow shall relate the proceedings of the late Convention, and what affection some that were present kythed therein, that his Majestie may be forseen with mens dispositions, for the better choice of these to whom the affairs shall be concredited.

2. Yow shall remember the care we have had of reclaiming the Mar-

quise of Huntlie, and the Earle of Erroll, from their errours, and the small profite we have seen thereof; and insist for his Majesties favour to the petition of our Letter.

3. Anent the Ministers that are confined, your Lordship shall excuse the request made be us in some of their favours, shewing how it proceeded; and farther declare, that of late they have taken course to give in supplications to the Counsell for their enlarging to a certain time, for doing their particular busineses at Session, and otherwise in the country; and that some of them have purchased licence be the votes of the Counsell, albeit we opposed: Therefor beseeke his Majestie to remember the Counsell, that the confining of these Ministers was for faults done be them to his Hienes self, and that they should be acknowledged and confessed to his Majestie, and his Hienes pleasure understood therein, before the grant of any favour; otherwise they shall undoe all that has been hitherto followed for the peace of the Kirk.

4. Touching the Erections, it is our humble desire to his Majestie, that the Noblemen, in whose favours the same hath been past, may take order for the provision of their Kirks, according to the conditions made in Parliament, or then discharge their Erections, which seems best to be done be an Act in this insewing Session of Parliament, for which his Majesties warrant would be had: And sicklike, some course would be taken for the Prelacies erected, which have past also the constant Platt; that the presentation of Ministers to the modified stipends, at the vacancy of the Church, should be in his Majesties hand, whereunto, although his Majesties expresse commandment was given of before, no head was taken be such as had the charge of affairs.

5. Since this matter of the Commissariats importeth so much to the reformation of our Church government, as this being restored, in a little time the rest may be supplied that will be wanting, it shall be good to remember it be a serious letter to my Lord Dumbar, that we may know in due time what is to be expected. And since our greatest hindrance is found to be in the Session, of whom the most part are ever in heart opposite unto us, and forbear not to kyth it when they have occasion, yow shall humbly intreat his Majesty to remember our suit for the Kirkmens place according to the first institution, and that it may take at this time some beginning, since the place vacant was even from the beginning in the hands of the Spiritual side, with some one Kirkman or other till now; which

might it be obtained, as were most easie be his Majesties direction and commandment, there should be seen a sudden change of many humours, in that State, and the Commonwell would find the profite thereof.

6. Anent our Conference with the Ministrie, your Lordship will declare the time that is appointed, and the reasons of the continuation of the same.

7. Because in the time of Parliament chiefly it should be expedient to have the Bishops teach in the pulpits of Edinburgh, his Majestie would be pleased to commend this to my Lord of Dumbar be a particular letter; and to require also the Ministers of Edinburgh to desire their help at that time, if it were for no other end, but to testifie their unity and consent of mind to the Estates.

8. Because the Kirk of Leith lyeth destitute in a fort through the Bishop of Ross his age, and the imprisonment of Mr John Murray; and that the said Mr John is no way minded, as appeareth, to give his Majestie satisfaction; neither were it meet, in respect of his carriage, that he should return to that Ministrie; and to insist in his deprivation with the Commissioners, might perhaps breed unto us a new difficulty: If his Majestie shall be pleased, we do hold it most convenient for this errand, that the said Mr John be conveyened before the Counsel be his Majesties command, and be them be charged to ward in the Toun of Newabbay and some miles about, having libertie to teach that people, amongst whom he shall find some other subject to work upon than the State of Bishops. And for the provision of Leith, that his Majestie will be pleased to command the Presbytrie of Edinburgh, in regard of the Bishop of Ross his age, and the said Mr Johns transportation be his Hienes appointment, to have care that the said Kirk of Leith be planted with all convenient diligence be Mr David Lindsay sometimes Minister of Sanct Andrews, for whom both the people is earnest, and we may have sufficient assurance to his Majesties service. And in case the said Presbytrie prove wilfull, that another letter to the same effect may be sent to the Commissioners of the Generall Assembly, who may take order to see that matter ended, if such shall be his Majesties pleasure; and this would be done with all diligence convenient.

We cannot but remember also the misorder creeping in the countrie, that once was happily repressed, the wearing of gunnes and pistolls; and humbly beseeke his Majesty, that some new course may be established be searchers of such persons, and delating of them to the Counsel, that they

may be punished; and that the Treasurer may have commandment to make choice, in everie country, of certain that shall be thought fittest to search, which shall be known only to his Lordship self, and satisfie them for their pains, to the end this insolence may be restrained. Particularly it would be forbidden in the granting of Commillions, that this liberty be not permitted; for this is one of the causes of their so open bearing, as said is.

These particulars, your Lordship will have care to propone to his Majestie at some fit time, and see the answers thereof dispatched accordingly.

Your Lordships shall remember my Lord of Cathness and his pension.

GLASGOW, be warrant, and at the desire of the
rest of my Lords the Bishops.

My Lord, when your Lordship shall speak for the help of our Kirks, be the fall of these men that possess our livings, and do justly incurre his Majesties indignation be their hainous offences, be pleased to remember the case of Lanerk; the possessors of the tithes be now excommunicated, and at the horn. Desire his Majesties favour for the grant of them to Mr William Birnie, Minister there, whose disposition your Lordship knows to his Majesties service; and his Hienes letter for that effect to my Lord Treasurer, that he may be possessed in the same with all convenient diligence. Likewise remember the provision of Cramond, and the Bishop of Dunkeldens interest to these tithes.

GLASGOW.

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Proceedings of the Conference, appointed be the last Assembly, holden
at Falkland, the 4th of May, 1609.

The Earles of Dumbar and Wigtoun, my Lord Skoone, and my Lord Fentounbarns, Collector, Commillioners for his Majestie; Mrs George Gledstains, John Spotswood, Alexander Lindsay, Alexander Forbelle, Patrick Sharp, Robert Howie, John Mitchelson, Henrie Philip, and George Hay for the Bishops; Mrs Patrick Galloway, John Hall, William Scott, Archbald Oswald, John Knox, John Carmichaell, Adam Bannatyne, John Wemes, and William Cowper, (Patrick Simson being absent,) mett in that chamber, which was her Majesties, for discharging a Commillion directed

from the last General Assemblie, holden at Linlithgow, the 29 day of Julie 1608 years. In the which meeting the said Commissioners proceeded as followeth :

Sessio 1^a.

After prayer, and a short speech uttered be Mr James Law, Moderator, the Commission of the General Assembly was read ; whereof the tenour followeth :

At Linlithgow, the 29 of Julie 1608, post meridiem.

As for the second cause of the eyelifts which are said to arise upon diversities of opinions, because the said diversities of opinions result upon different judgments among the brethren, concerning the external government and discipline of the Kirk, which cannot so shortly be discussed and advised upon as the brevity of this Assemblie permitts : Therefor, it was the opinion of the brethren appointed for the adviseing of the best overtures anent the distractions and eyelifts that are entred in the hearts of the Ministers, that the samen should be delayed till a time more convenient ; and, in the mean time, certain appointed to reason, treat, and advise upon the same, which likewise the Assemblie has thought expedient ; and, therefor, they have elected and chosen the brethren after following, viz. the Bishops of Sanct Andrews, Glasgow, Dunkelden, Orkney, Cathness ; Mrs Patrick Sharp, Robert Howie, John Mitchelson, Henrie Philip, George Hay, Patrick Galloway, John Hall, Patrick Simson, William Scot, Archibald Oswald, John Knox, John Carmichael, Adam Bannatine, John Weemes, and William Couper, their Commissioners in that part, to convene with his Majestie, or such of his Majesties Commissioners as his Hienes shall appoint, at such time and places as they shall be required be his Majestie ; and to treat, reason, and consult upon all matters standing presently in controversie among the brethren, anent the discipline of the Kirk ; and whatsoever they agree upon, to report to the next General Assemblie ; and, in the mean time, while the next Assemblie, the advice of the brethren convened at Falkland, the 16 of June last bypast, be observed anent the constant Moderators.

There was read also his Majesties Missive Letter, and a letter of excuse from Mr Patrick Simson. And thereafter a motion was made be his Ma-

jesties Commiſſioner, and propounded be the Moderator, that five of either ſide ſhould be put apart, to ſett down the order of proceeding.

After ſome reaſoning upon the ſaid propoſition, and ſome objections againſt the ſame, it was admitted and followed : and for the Biſhops were named, Sanct Andrews and Glaſgow, Patrick Sharp, Robert Howie, and Henrie Philip ; for the Miniſters, Patrick Galloway, John Hall, William Couper, John Carmichael, and William Scot.

The Earl of Dumbar, my Lord Fentounbarns, James Law, Moderator, and the ten which were nominated and choſen, removed and went into his Majeſties Chamber, where the Commiſſion was read again ; which being conſidered, was thought very general be ſome ; and for limitation thereof, the particulars after following were proponed be the Miniſters :

Fiſt, That the brethren, among whom the alledged controverſies were, ſhould be particularly named, or at leaſt ſome way deſigned, whereby the one party might be known be the other.

2ly, It was required, that the alledged controverſies ſhould be denominated and condeſcended upon, for clearing of the fiſt point. Theſe of the part of the Miniſtrie declared, that they were one in judgment with the godlie Fathers, reformers of the Kirk of Scotland, and ſuch as had from time to time, in General Aſſemblies, appointed the diſcipline, and obtained ratification thereof ; as alſo that they eſteemed the diſcipline appointed be the Kirk, and ratified be the laws of the countrie, to be moſt godly and meet for the ruleing of Chriſt his Kirk within this Realme.

Theſe of the other opinion came to no particular nomination nor designation, whereby their difference from ſuch as had eſtabliſhed the diſcipline, might be perceived.

For better underſtanding of the ſecond, the Miniſters deſired, that diſtinction be made betwixt matters ſtanding in controverſy among the brethren, [and matters] extra controverſiam in the Kirk, in which caſe they take to be all things concluded in lawfull General Aſſemblies.

Item, That clear difference might be made betwixt privat brethrens opinions and conceits, (put caſe their numbers be great,) and matters in controverſie in the Kirk ; ſeeing nothing can probably be called a controverſy of the Kirk, but that which has been received as a doubt before in ſome General Aſſemblies, and depends as yet undecided, for there is an order concerning caſes, where the brethren doubt and crave reformation, viz. that ſuch matters ſhould be proponed to the General Aſſembly, *ordine*

decenter, animo aedificandi, non tentandi; in respect of the which order, it is no wayes convenient, that the saids Ministers should participat in a Conference with their brethrens opinions, different from the judgment of the Kirk; and syne report the same to a General Assemblie.

Lastly, Seeing the Assemblie at Linlithgow has directed Commission ament matters presently standing in controversy concerning discipline, which claws of necessity must be referred, either to matters that stand in controversy before that Assemblie, and in the time of it; or els to matters called and received in controversy before the same: It was demanded be the said Ministers, what particular matters either stood in controversy, or were called or received into controversy.

The intention of this their dealing was to shew, that the Commission above written bore no warrant to the said Commissioners, either to make particular questions and controversies, which had not been heard in General Assemblies of before; or yet to call in controversie the acts, conclusions, allowed practices, or established order of the Kirk. This purpose was taunted among the Ministers themselves; and it was alledged, that this form of dealing would be accounted a shifting of disputation; and so the blame would lye upon the Ministers.

It was answered, it was better to bear the unjust blame, than to break a whole cause, which, if it were broken, could not escape to be hurt, seeing the one partie were 16 or 17, and the other but 9. The other sort, for the party of the Bishops, termed that form of proceeding tergiverfation, policy, quarelling of the General Assemblie, frustration of their good intention, &c. Much time and talk were spent hereabout, and shoring and boasting; but no clear satisfaction returned to this demand, and propositions above specified. And so somewhat abruptly it was said, they mett either for something, or nothing; and confusedly was cast in, that some of the brethren had received the constant Moderators, and others not; so that was a controversy of the Kirk, said they, whether the Moderator should be constant, or circular as they termed it.

Item, Some of the brethren think that the cautions should be kept, and others think that reason would that some of them should be abolished. It is a question then, forsooth, whether the cautions shall be kept, or not.

It was answered to the first, that the foresaid Assemblie at Linlithgow, wherefra this Commission was directed, had expressly provided, that the advice, given in their Conference at Falkland, should be observed till the

nixt General Affembly; and true it is, that in that Conference at Falkland, the meeting at Linlithgow, wherein the intended innovation of the Moderatour was begun, was spyed; and that matter to be further treated in the enfueing Affembly at Linlithgow; which Affembly, when it convened, acquiesced in the advice given at Falkland; so that there is no warrand in this Commillion to call the accustomed and established order of Moderation in doubt.

Unto the second it was answered, that the cautions, after long reasoning and advisement had in Presbyteries, Provincial and General Affsemblies, they were solemnly concluded in two Affsemblies, one at Dundie, another at Montrose, his Majestie being present at the one and the other, and as yet stand in full force unrepealed, and can no more be called in question be vertue of this present Commillion, than the acts anent vote in Parliament, or any other acts of the General Affsemblies.

It was thought meet be the most part, that both these matters of the Moderation and Cautions should be put in question; and so they, that went apart, reentred in the place of Conference; and all being present, the Moderator demanded, whither if the said matters should pass in question, or not. It was answered be the most part affirmativé, they should; and so the question was conceived, as followeth.

1. Whither in Synods or Presbyteries the Moderation shall be constant, or not.

2. Whither the cautions sett down in the Affsemblies holdin at Dundie and Montrose for restraining the power of Bishops, should be observed and sworn to, or not.

Thereafter, the Moderator desired, that one of either side should be named to reason these two questions; but being late, no nomination was made; but thanks given, and so that Session ended.

After the dissolving of that Session, the Ministers mett be themselves, and having conferred a little anent the disadvantage and danger, be suffering themselves to be separated in that former Session, all were desired to think that night upon the meetest remedy, and tymously meet in the morning, which they did.

In that their meeting they concluded, 1. That Mr Patrick Galloway should be speechman, and some others to assist him as need required. 2. That they should suffer themselves no ways to be divided; but whatsoever should be proponed, (although of less importance,) they should

take it to be advised be the whole, before that any answer should be returned. 3. That in respect of the members of that Conference, and of the quality of matters called in doubt, that they would no ways dispute but be write.

Sessio 2^a. Maij 5, hora 9, ante meridiem.

The aforesaid Commissioners convened in the morning, in the place before named; and after prayer, the Moderator proponed, that one of either side should be named and appointed to reason the first question. Mr Patrick Galloway being desired to speak, answered, that it was most convenient to reason the matter be writt, for the reasons following: 1. For eshewing of idle and hot speeches, superfluous digressions, and impertinent discourses, whereby brethren might be irritated, and time unprofitably spent. 2. For avoiding of different reports to be made be the brethren of different judgments, after the Conference ended. And, therefor, he required the other partie, that they would shortly and clearly set down their opinion in articles, touching that matter, and reasons whereby they would confirm the same; promising that the said opinion and reasons should be plainly and brotherly answered, in such succinct forme as was possible they could conceive and expresse in write.

Many things were objected against that answer and offer; but all objections were answered. And so, the Ministers standing constantly to their resolution, the other party desired that they might advise among themselves anent the premises; unto which desire the Ministers agreed, and removed themselves; and the other partie with his Majesties Commissioners sat still.

After their reentry, the Moderator objected four reasons against writting. 1. The custome of the Kirk of Scotland. 2. The custome of Conferences in other countries, and some Colloquies were named. 3. His Majesties prohibition of writt. 4. Sundry inconveniencies that might follow thereupon, as namely, that the copies would pass abroad, and would come in the hand of enemies, whereby it could not fail, but slander and skaith would come to the cause of religion.

To the first it was answered, that while the Kirk of Scotland had adoe with the Counsell thereof, anent the treating and concluding of the heads of discipline, they gave and received write one from another.

To the second, that the Colloquies named be them had very evill events; and others treated be write, specified be the Ministers, had better success, and made more for the advantage of religion.

As for the custome of countries generally alledged, writt was more usuall than word, as may be seen by [Ambassadors deillings,] learned mens Epistles, printed Colloquies, and Traities of all ages.

To the third, It is evident in his Majesties letter, that his Hienes intention is to settle all matters peaceably, and beside the same there is nothing produced: Therefor, writting, whereby jangling of words, hot speeches, and tedious digressions shall be avoided, is the most fitt and safe way to come to his Majesties purpose.

To the fourth, In case of agreement, interchanged papers may be given or burnt; and the conclusions agreed upon only put in write to remaine. If they can no wise agree, whatsoever shall pass in write may be, with consent of all, destroyed.

And after these answers, the Ministers concluded, that reasoning by word, without a Judge, could not possibly be had without tumult in the time of treaty, and different and contradictorious reports after breaking up of the meeting; whereby the present distractions would be augmented, and the cause of religion farther prejudged, Papists and all sorts of enemies, wilhing, working and watching for division among Ministers, so far as they may.

The matter being thus stand to be the Ministers, some speeches of terrors was given out; and thereafter the Moderator proponed, that a short history might be sett down, with all consents, of that meeting, and the proceedings therein, to some such effect as followeth: That the Commissioners mett, the Commission was read, two questions were agreed upon. They for the part of the Bishops offered to disput thereupon; and the Ministers refused. The Ministers desired the last point to be mended after this manner; that they for the Bishops offered to reason be word, and refused writt; and the Ministers were willing to reason be writt: but when they should be before a General Assembly, Judge ordinar in such matters, they should be ready to reason be word or writt, as it should please the Assembly to injoyne; but here they could not reason be word, because they wanted a Judge. This was refused, and so no history was agreed on: But the Moderator desired that his Majesties letter, and the Commission being laid aside, either of the parties would advise upon some overtures for the peace

of the Kirk ; and for reporting thereof, three after noon was appointed for all to meet again. Thus, after thanks giving, the Commissioners rose.

Immediately after dinner, the Commissioners convened be themselves, and after consultation agreed upon four articles as follows :

1. That a declaration should pass from this Conference to be published in the Kirk of Scotland, reporting, that the Kirks within this realm are well constituted in doctrine and discipline, praised be God ; and that the discords and differences among the Ministers anent the one and the other, aggredged and given out be Papists, Atheists, and other enemies, are but slanderous calumnies tending to sedition, and to deceive the simple.

2. That the handling of the discords and differences among the Ministers be laid aside and spaired ; and the said differences covered under the skirts of brotherly patience and christian wisdom, while first Papists and Papistrie be proceeded against, and put to a point.

3. Seeing the matter of Bishoprick and Hierarchie cannot be handled at this time, but with advantage to Papistry and Papists, and disadvantage to the established order of this Kirk, which has been a special mean, whereby they and their kingdom have been dissipated and overcome ; that purpose would be superceded, till the land were purged of them and their leaven.

4. That an humble supplication should pass from this Conference to his Majestie, for grace and favour to the Ministers that have been so long banished, kept in prison, and confined ; namely, that they may be relaxed, sett at liberty, and returned to their places.

Sessio 3^a. Eodem die, hora tertia, post meridiem.

The whole Commissioners mett in the place above specified ; and, after prayer, the Moderator required the Ministers to present their advice, as was appointed before noon. And Mr Patrick Galloway presented the articles above written, which were read ; and after the reading thereof, some treated, and pressed to speak ; but authoritativé be the Moderator and some others, that vehemency was kept at under, and silence was commanded. Thereafter the advice of the other party was read, and all demanded, what they thought of it. Little said for it, and nothing against it. The Moderator desired the Ministers to take up their articles ; which being done, the conclusion after following was agreed upon.

At Falkland, the fift of May 1609.

The brethren convened, having read the Commillion givein to them be the General Assembly, and considering the generality therof, and how it is needfull, for ending of all controversies standing in discipline among the Ministry, that the particular points in question be condescended upon, have, for the present, agreed upon two, viz. Whither in Synods or Presbyteries the Moderators should be constant, or not: And whither the Cautions sett down in the Assemblies holden at Dundee and Montrose for restraining the power of Bishops, should be holden, and sworne unto, or not. Which two questions being proponed, becaus neither the brevity of time permitts, nor is it, for divers causes, thought expedient to enter in reasoning thereof at this present, the brethren continue all treating of the same till the first Tuesday of August nixt to come, appointed for their meeting to that effect in Stirling: Willing and commanding every one of the said brethren to advise and consider gravely on the said questions, and all points thereof; and to be ready at their said meeting to propone their mindes either be word or write, as they shall think fittest; and farther to sett down in write all the differences, which they conceive in the matter of discipline, that some solid course may be taken with common consent, for removing the same.

In the mean time, it is thought expedient, be the consent of the whole number, that the General Assembly be prorogued till the first Tuesday of May nixt to come, to be holden at Sanct Andrews, if it shall please his Majestie; that these affaires being brought to some point, report may be made, according as is ordained in the said Commillion.

And becaus his Majesties most zealous care for the good peace of the Kirk, and the suppressing of Papists and all contrary religions, does so many wayes appear, that we have all exceeding great matter of thanks to be given to the Almighty God, for the blessing bestowed upon this Kirk in his Majesties person: It is found meet, that a letter of humble thanks be written from this Conference to his Majestie, and that, in all congregations of this kingdom, declaration be made be every Minister of his Hienes good affection and resolved mind to settle the Kirk in peace and truth, and to free the same of all the enemies, and their pernicious practices; and that

publick thanks be given to God for his mercies, and prayers conceived for happy progreſs of his Majeſties purpoſe.

As alſo, the brethren knowing the great dangers, that the Kirk ſtandeth in, through the enemies of religion, have thought meet to recommend to all the Miniſters and Preſbyteries in this realme a carefull proceeding againſt Papiſts, and ſuch [as remaine ſuſpect in religioun; and that they be diligent to lairne] of the ſtrangers that reſort from forrain parts, and to make intelligence to his Majeſties Commiſſioner, the Earle of Dumbar, or ſuch other of his Hienes Counſel as they are beſt acquainted with, that they know zealous of Gods truth, and faithfull to his Majeſtie: And, above all things, that they and every one of them intertain peace, friendſhip and brotherly love with others; laying aſide all jealousies, ſuſpitions and other prejudices; and that they communicat their counſels and helps to the advancing of religion, and eſtabliſhing a good and ſolid agreement in the Kirk; which the brethren preſent for themſelves have ſolemnly promiſed: and likeways to labour others to the ſame as far as they can, that God may have the glory, and his moſt excellent Majeſtie ſatiſfaction and contentment in all things.

This concluſion and his Majeſties letter being written and ſubſcribed, the Moderator gave thanks to God in the place where they mett.

Mr William Couper being requeſted by his Majeſties Commiſſioner and ſome of the brethren, went to the Kirk of Falkland, and all that were there with him. He made an exhortation and thankſgiving upon the laſt three verſes of the 74 pſalme; and thereafter the 133 pſalme was ſung, and thus all were diſmiſſed.

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A Commiſſion given under the great ſeal to the two Archbishops, to hold two courts of High Commiſſion, was proclaimed at the Croſs of Edinburgh, in March, 1610: The tenor whereof followeth.

James, be the grace of God, King of Great Brittain, France, and Ireland, Defender of the Faith, To our lovites, &c. Meſſengers and Shireffs in that part, conjunctly and ſeverally, ſpecialy conſtituted, greeting. For as much as complaint being made to us in behalf of the Miniſtry of this our Kingdom, that the frequent advocations purchaſed be ſuch as were either

erroneous in religion or scandalous in life, not only discouraged the Ministry from censuring of vice ; but emboldened the offenders to continue in their wickedness, using their advocations as a mean to delay and dissappoint both tryall and punishment : We, for eschewing of this inconvenient, and that the number of true professors may be known to increase, the Antichristian enemy and his growth suppressed, and all sorts of vice and scandalous life punished ; and that neither iniquitie, nor delay of tryall and punishment, be left be this subterfuge of discouraging of Ecclesiastical censures to proceed on things so meet and proper for them, have, out of our duty to God and love to his Kirk, being the nurse father of the same on earth, within our dominions, given power and commission to the Reverend Father in God, and our trusty and well beloved Counsellor, George Archbishop of Sanct Andrews, Primat and Metropolitan of our kingdom ; and to our right trusty cufine and counsellor, Alexander Erle of Dumfermling, Lord High Chancellor of this our kingdom ; George Erle of Dumbar, Treasurer ; George Erle of Merschall, John Erle of Marr, John Erle of Montrose, Patrick Erle of Kinghorn ; to the Reverend Fathers in God, Alexander Bishop of Dunkelden, Peter Bishop of Aberdeen, Alexander Bishop of Murrey, Andrew Bishop of Brechin, David Bishop of Ross, George Bishop of Dumblain, Alexander Bishop of Cathness, and James Bishop of Orkney ; to our trusty Cufines and Counsellors Lord Lindfay, Simon Lord Frazer of Lovat, David Lord of Socon ; and to our trustie and well beloved Counsellors, Mr John Preston of Pennycook, President of our College of Justice ; Sir David Cockburn of Clerkingtoun, Knight, Lord Privie Seal ; Sir Alexander Hay, Knight, our Secretary ; Sir James Hay of Kingask, Comptroller ; Sir Thomas Hamilton of Binnie, Knight, our Advocate ; and to our Lovites, Sir David Carnagie of Kinnaird, Knight, . . . Dundas of that ilk, Alexander Irving of Drum, . . . Ramsay of Balmany, Mr John Arthur, Mr Thomas Henderson, Mr Adam King, and Mr James Bannatyn, Commissarys of Edinburgh ; Mr John Weymes, Commissar of Sanct Andrews ; Mr James Martin, Rector of the Univerlity of Sanct Andrews ; Mr Robert Howie, Principal of the New College there ; Mr David Monipennie, Dean of Faculty ; Mr Patrick Galloway, Mr John Hall, Mr Peter Hewat, Mr John Mitchelson, Mr Robert Wilkie, Mr John Strauchan, Mr Andrew Leitch, Mr Hendry Philp, Mr Arthur Futhie, and Mr Patrick Lindfay, Ministers ; or to any five of them ; the said Archbithop being always one, within the

whole bonnds of the Province of Sanct Andrews : And to the Reverend Father in God, and our trusty and well beloved Counseller, John Archbishop of Glasgow, Alexander Erle of Dumfermling, George Erle of Dumbar, John Erle of Cassils, James Erle of Glencarne, John Erle of Wigtoun, James Erle of Abercorn : And to the Reverend Fathers in God, Gawin Bishop of Galloway, John Bishop of Argyle, Andrew Bishop of the Isles ; and to our trusty counsine and counseller, Walter Lord Blantyre ; and to our lovits, Mr John Arthure, Mr Thomas Henryson, Mr Adam King, Mr James Bannatyne, Commiffars of Edinburgh ; David Forsyth, Commiffar of Glasgow ; Mr James Halyday, Commiffar of Dumfries ; Mr John Hamilton, Commiffar of Hamilton ; Mr James Hamiltoun, Commiffar of Lanerk ; Sir George Elphinston of Eastwood, Knight ; Mr Patrick Sharp, Principal of the College of Glasgow ; Mr William Birnie, Minister of Lanerick ; Mr John Hay, Parson of Ranfrew ; Mr James Hamiltoun, Dean of Glasgow ; Mr David Sharp, and Patrick Walkinshaw, Subdean of Glasgow ; Mr Thomas Ramsay, Minister at Dumfries, Mr John Bell, Minister at Glasgow, and Mr Walter Steuart, Minister at . . . ; or any five of them, the said Archbishop being always one of them, within the whole bounds of the Province of Glasgow : To call before them, at such times and places as they shall think meet, any person or persons dwelling and remaining within the Provinces respectivé above writen of Sanct Andrewes, of Glasgow, or within any Dioceis of the same, being offenders either in life or religion, whom they hold any ways to be scandalous ; and that they take tryal of the same ; and if they find them guilty and impenitent, refusing to acknowledge their offence, they shall give command to the Preacher of the parish where they dwell, to proceed with sentence of excommunication against them ; which if it be protracted or delayed, and their command be that Minister be not presently obeyed, they shall convene any such Minister before them, and proceed in censuring of him for his disobedience, either by suspension, deprivation, or warding, according as in their discretion they shall hold his obstinacy and refusal of their direction to have deserved ; and farther, to fyne at their discretions, imprison or ward any such person, who being convicted before them, they shall find upon tryall to have deserved any such punishment ; and a warrand under the hand of any five above named, of every Province respectivé above written, the said Archbishop of the Province being one, shall serve for a sufficient command for the Captains and Constables of our wairds and

castles, and to all keepers of jayles or prisons, either to burgh or land, within any part of the Provinces respectiue above written, for receiving and detaining such persons as shall be unto them directed to be kepted be them, in such forme as be the said warrand shall be prescribed, as they will answer upon the contrair at their perrill: and of all such synes as shall be imposed on any offender, the one half to pertain unto ourself, and the other half to be imployed upon such necessary things as our said Commissioners shall be forced unto, by charging of parties and witnesses to compear before them; and the superplus to be bestowed at the sight of the said Commissioners be distribution among the poor: Commanding the Lords of our Privie Counsel, upon sight of any certificat subscribed be any five of the said Commissioners within every Province, as said is, the said Archbishop of the Province being one, either of any fine imposed be them upon any partie compearing and found guilty, or of the contumacy and refusal of any to compear before them, that the said Lords of our Privie Counsel direct a summar charge of horning upon ten dayes only; and that no suspension or relaxation be granted, without first a testificat under the hand of the Archbishop of the Province, containing the obedience and satisfaction of the party charged, be produced; and in case of farther disobedience or rebellion of the party who shall be charged for his syne or not compearance, the saids Lords of our Counsel are then to prosecute the most strick order, as is usual against rebels, for any other cause whattomever. With power to our saids Commissioners to proceed herein, as also to take tryall of all persons that have made defection, or otherways are suspected in religion; and as they find any just cause against them, to proceed in manner foresaid: and als whensoever they shall learn or understand of any Minister, Preacher, or Teacher of Schools, Colleges, or Universities, or of exhorting or lecturing Readers, within these bounds, whose speeches in publick have been impertinent, and against the established order of the Kirk, or against any of the conclusions of the bypast General Assemblies, or in favour of any of these who are banished, warded, or confined for their contemptuous offences; all such being no matter of doctrine, and so much idle tyme spent without instruction of their auditory in their salvation, ought so much the more severely to be punished; in regard that they are Ministers, who of all others should spend least idle talk, and specially in the chair of verity: and, therefor, after the calling of them before said Commissioners, they are to be questioned and tryed upon the points of that

which is to be laid againſt them, and puniſhed according to the quality of their offence: And whereas complaints ſhall be made unto them be any party that ſhall be conveyened before any Eccleſiaſticall Judicatory for any ſuch crime as he ſhall be then ſuſpected of, or that the partie doeth alledge alwayes the matter itſelf to be improper to that Judicature, or the proceeding to have been informal, or that the Judicature itſelf has been too partial; and when the Commiſſioners ſhall ſee any juſt cauſe, they are then to take tryal and cognition thereof unto themſelves, and to diſcharge the ſaid Judicature of all farther proceeding: Giving power alſo to our ſaid Commiſſioners to make choiſe of a Clerk, and other members of Court; and to direct out precepts in name of the ſaid Archbiſhop, and his aſſociats within every Province, for citation of any parties before them, within the bounds of the ſaid Provinces, in any of the ſaid cauſes above mentioned; which precepts are to be ſealed with a ſpecial ſeal, containing the armes of the ſaid Biſhoprick: giving alſo power to charge witneſſes to compear before them, under the pain of forty pounds ſcots money; and upon the certificat of the ſaid Commiſſioners, that any of the ſaid penalties are incurred be them, the ſaid Lords of our Counſel are to direct the like charges for payment of the ſame, as is appointed for payment of the fynes in the ſaid Commiſſion paſt our Great Seal, containing diverſe other heads, clauſes, articles, and conditions, and bearing date at our Court at Roſſfoun, the 20 of Januar laſt, at length is contained: wherof neceſſar it is that publication be made to all our lieges, that none pretend ignorance thereof. Our will is herefor, and we charge you ſtraitly, and command, that incontinent theſe our letters ſeen, ye paſs to the ſaid burghs within the Provinces above written, and there be open proclamation, that ye make publication of the premiſſes, that none pretend ignorance: And als, that ye, in our name and authority, command and charge all our lieges and ſubjects to reverence and obey our ſaids Commiſſioners in all and every thing tending to the execution of this our Commiſſion; and to doe nothing to their hinder or prejudice, as they and ilk one of them will anſwer to us and our Counſell, upon their obedience, at their higheſt paine, charge, and perrill. The which to do, &c.

Given under our Signet at Edinburgh, the 15 day of Februar, and of our reigne the 47 year, 1610.

Per Actum Secreti Conſilij.

THE KINGS MISSIVE.

Truſtie and well beloved, we greet you well. Albeit we juſtly fearing the diſorders that might ariſe in the General Aſſembly appointed to be holden at Sanct Andrewes, the day of May next, be reaſon of the differences now in the Church for matters of diſcipline, did be our Letters, publiſhed in Februar laſt, deſert the ſaid meeting; and ſpecially declared, that it was not our mind to appoint any new Aſſembly, before we were well aſſured of the peaceable inclination of theſe of the Miniſtry, who ſhould meet and convene therat: Yet having been lately advertiſed of great confuſion ariſeing in the Church, by reaſon of the looſe and unfettled government which is therein, and being intreated be fundry of our good ſubjects, Biſhops, Miniſters and others, for licence to ſome general meeting of the Church, wherein hope is givin us, that ſome good courſe by common conſent ſhall be taken for redreſs of all unorders, and the diviſion of minds, that has ſo long continued among the Miniſtry, to the great ſcandal of their profeſſion, ſhould ceade and be extinguiſhed, we have been pleaſed to yield to their requieſts, and granted liberty for a General Aſſembly to be holden at Glaſgow, the 8th day of June next: And, therefor, we will and require you to make choiſe of the moſt wiſe, diſcreet, and peaceably diſpoſed Miniſters among you, to meet and convene the ſaid day and place, inſtructed with ſufficient commiſſion from the reſt, as in other Aſſemblies you have been accuſtomed; and to adviſe anent the excommunicated Erles, what order ſhall be taken with them for their ſatiſfaction of the Church; anent the late erections, to communicat to our Commiſſioners the eſtate of every church within any of the ſame, the maintainance allowed thereto; an overture for ſupplying the churches, which are not ſufficiently provyded; and what is the beſt courſe to be taken for the ready payment of the Miniſters, ſo as they be not diſtracted from their charge, and forced to attend the Law for diſculling of ſuſpenſions, and ſuch like queſtions ariſeing thereupon: in which point we have had many grievous complaints from diverſe of the Miniſters there, and underſtood our good purpoſe touching them and their maintainance to have been wonderfully croſſed; and that they be ready to give their beſt opinion in all the former points, and in every thing elſe that ſhall be demanded of them for the good peace of the Church. And becauſe by our Letters we have particularly acquainted the Archbiſhop

of Sanct Andrews of our purpose herein, and sent unto him a special note of the names of such as we desire to be at our said meeting ; it is our pleasure, that you conform yourselves thereto, and make choise of the persons that we take to be fittest for giving advice in all matters : wherein ye shall doe us acceptable service. We bid you farewell.

From our Court at Whitehall, the first of Aprile, 1610.

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The Bishop of Sanct Andrews Letter to the Presbytrie of Chirneside.

Grace be multiplied unto you.

Beloved Brethren, after my heartie commendations in the Lord, I have received a Letter from the Kings Majestie anent the direction of Commissioners to the approaching General Assembly. And to the effect ye may understand my Commission to you for that effect, and the Kings Majesties pleasure, I thought good, as having credit of his Majestie in these matters, to shew to your Moderator the authentick Letter that has proceeded from his Majesties hand, and to send to you the note of the persons, whom his Majestie has thought fittest for that work. This I beseech you, since our Presbyteries in Fife, and, as I hear, the Presbytrie of Edinburgh hath agreed to the Kings desire, that ye will not fail to send a free, voluntary Commission with these brethren, who have also received their severall Millives from the Kings Majestie, that ye seem not to be singular, and refractorie to reasonable petitions. I hope, that this my counsel shall be well accepted of you : and since suddane and willfull conclusions haue wrought such bitter effects, I hope, ye will not provock the Kings Majestie to wrath, without any necessary occasion. Thus I beseeke God to bless you all with the spirit of truth and love to the end.

Edinburgh, the 28 of May, 1610.

Your loving and assured Brother,
SANCT ANDREWS.

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A.D. M.DC.X.

The Generall Assemblie of the Kirk of Scotland halden at Glasgow,
the 8 of Junij 1610 years, quher was present,

[THE KINGS COMMISSIONERS.

The Earle of Dumbar.	My Lord Prefident.
The Archbishop of Sanct Andrews.	My Lord Secretarie.

OF THE NOBILITY.

Earles Montrose.	Lords Lindley.
Glencarne.	Scoone.
Cathnells.	Blantyre.
Wigtoun.	Kintail.
Kinghorne.	Mr of Tillibartine.
Abercorne.	Comptroller.
Lothian.	Kilfyth.

OF THE MINISTRY.

ORKNEY.

Bilhop of Orknay.	William Hair.
Robert Stewart.	Mr Andrew Dishingtoun.
Mr Patrick Waterloun.	

CATHNESS.

Bishop of Cathness.
Mr William Pope.
Thomas Paipe.

James Gray.
Mr Andrew Ogilwie.

ROSS.

Mr George Monro.

Mr Robert Rock.

MURRAY.

Bishop of Murray.
Mr James Dundas.
Mr Thomas Dundas.
Mr Patrick Dundas.

Mr William Clogie.
Mr Alexander Raufon.
Mr William Reid.

ABERDEEN.

Bishop of Aberdeen.
Mr David Rait.
Mr Archibald Bleckburne.
Mr Robert Burnet.
Mr John Logie.
Mr John Reid.
Mr John Garein.
Mr Robert Merfer.

Mr Abraham Sibbald.
Mr George Hay.
Mr James Hay.
Mr Robert Maitland.
Mr John Strauchan.
Mr Robert Rofs.
Mr Robert Reid.
Mr Alexander Guthrie.

MERNES.

Mr Andrew Ramfay.
Mr James Rait.

Mr Adam Walker.

BRECHEN.

Bishop of Brechen.
Mr Dugul Campbel.
Mr Andrew Leitch.

Mr Richard Merchestoun.
Mr James Elliot.

ARBROTH.

Mr Arthure Futhie.
Mr Patrick Lindfey.
Mr Andrew Drummond.

Mr Henrie Phillip.
Mr John Guthrie.

DUNDIE.

Mr David Kineir.

Mr Robert Rynd.

MEEGLE.

Mr Henrie Guthrie.
Mr Alexander Kinnimouth.

Mr David Brown.

PERTH.

Mr William Couper.

Mr Archibald Moncreife.

DUNKELDEN.

Bishop of Dunkelden.
Mr Silvester Ratray.

Mr James Menzies.
Mr Alexander Ireland.

AUCHTERARDER.

Mr James Burdoun.

STIRLINE.

Bishop of Dumblane.
Mr William Stirline.

Mr William Narne.

SANCT ANDREWS.

Archbishop of Sanct Andrews.
Mr David Monipennie.

Mr William Murray.
Mr Simeon Durie.

UNIVERSITIE.

Mr Robert Howie.

COUPER.

Mr James Martine.
Mr Robert Buchanan.

Mr John Caldcleugh.
Mr Thomas Douglas.

KIRKALDIE.

Mr John Mitchelson.
Mr William Murray.

Mr Alan Lawmonth.

DUMFERMLINE.

Mr James Stewart.
Mr Andrew Forrefter.

Mr William Paton.

EDINBURGH.

Mr John Hall.
Mr Peter Hewat.

Mr Michael Cranfoun.

LINLITHGOW.

Mr Robert Cornwal.
Mr Alexander Keith.

Mr Robert Gilmour.
Mr Thomas Peebles.

DALKEITH.

Mr Patrick Tournour.

HADINGTON.

Mr James Carmichael.

DUMBAR.

Mr Edward Hepburne.
Mr John Lauder.

Mr Thomas Hepburne.

PEEBLES.

Mr James Logan.

Mr Robert Levingstoun.

CHIRNSIDE.

Mr John Clappertoun.

DUNSE.

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KELSO.

Mr James Knox.

Mr John Balfour.

Mr Thomas Storie.

GLASGOW.

Archbithop of Glasgow.

Mr John Bell of Glasgow.

Mr Patrick Sharpe.

Mr Andrew Boyd.

PAISLEY.

Mr John Hay.

Mr William Birrtoam.

Mr Archibald Hamiltoun.

Mr George Maxwel.

DUMBARTON.

Mr Walter Stewart.

HAMILTOUN.

Mr Thomas Muirhead.

Mr David Sharp.

Mr James Hamiltoun.

Mr John Howifon.

LANERK.

Mr William Birnie.
Mr John Lindfey.

Mr Robert Wilkie.

AIR.

Mr Peter Prymrofe.
Mr John Makcorne.

Mr William Wallace.

IRWING.

Mr Alexander Scringeur.

Mr Michael Wallace.

DUMFREIS.

Mr Thomas Ramfay.
Mr Robert Huntar.

Mr Robert Henrifon.
Mr Simeon Johnstoun.

KIRKCUDBRIGHT.

Bishop of Galloway.
Mr John Aikman.
Mr William Hamiltoun.

Mr Robert Glendinning.
Mr James Donaldfon.

WIGTOUN.

Mr James Adamfon.
Mr John Watfon.

Mr George Kinnard.

ARGILE.

Bishop of Argyle.
Mr John Cameron.
Mr Donald Makilrorie.

Mr Neil Campbell.
Mr John Makcallum.
Mr Nicol Makcalman.

ISLES.

Bishop of the Isles.
Mr Patrick Stewart.

Mr Robert Stewart.

OF BARONES.

Drumlanrig.
Glenurquhie younger.
Wauchtoun.
Bombie.
Northberwick.
Calderwood.
Balnamoone.

Minto.
Balmaine.
Gairntullie.
Duntreith.
Mr Samuel Cockburne.
Sir George Elpingstoun
of Blythwoode.

OF BURROWES.

EDINBURGH.

Edwart Ker. Mungo Makcal.

PERTH.

Gawin Dalyel.

DUNDIE.

Mr William Ferguson.

ABERDEEN.

Alexander Rutherford.

SANCT ANDREWS.

John Knox.

GLASGOW.

James Forfell.

Sessio 1^a 8 Junij.

Exhortation being made by James Bishop of Orknay, Moderator of the last Assembly, the Commissioners, after their accustomed manner, proceeded to the election of the Moderator of this present Assembly. The leits being nominat, John Archbishop of Glasgow, Mr Patrick Sharpe, Mr Patrick

Lindley, and Mr John Mitchelson ; by plurality of votes John Archbishop of Glasgow was chosen Moderator hac vice.

Thereafter, according to the accustomed order, Affessors were chosen to convene with the Moderator in the Privie Conference, for treating of such things as are to be concluded in the Assembly : They are to say, the Kings Majesties Commiffioners, with the Bishop of Orknay, the Bishop of Cathness, Mr William Paip, Mr George Monro, the Bishop of Murray, Mr James Dundas, Mr Alexander Raufon, the Bishop of Aberdeen, Mr John Strauchan, Mr George Hay, the Bishop of Brechen, Mr Patrick Lindley, Mr Andrew Leitch, Mr Arthure Futhie, Mr James Martine, Mr David Monipennie, Mr Robert Howie, Mr John Mitchelson, Mr William Murray Parfon of Dyfert, the Bishop of Dunkelden, Mr Archibald Moncreife, Mr William Couper, Mr Alexander Ireland, the Bishop of Dumblane, Mr Peter Hewat, Mr John Hall, Mr Michael Cranftoun, Mr Edward Hepburne, Mr Robert Cornwall, Mr James Carmichael, Mr John Clappertoun, Mr James Knox, Mr Thomas Storie, Mr William Birnie, Mr Thomas Muirheed, Mr Patrick Sharpe, Mr Andrew Boyd, Mr John Hay, Mr Alexander Scringeour, Mr Michael Wallace, the Bishop of Galloway, Mr James Adamfon, Mr Thomas Ramfey, the Bishop of Argile, the Bishop of the Isles, and Mr Neil Campbell.

The hours appointed for meeting of the Privie Conference, are seven hours in the morning, and two hours afternoon ; and for the Assembly, nine hours in the morning, and three hours afternoon.

Commiffioners appointed for reading and answering of the bills, are Mr Henrie Phillip, Mr John Reid, Mr Robert Buchanan, Mr Thomas Hepburne, Mr Walter Stewart, Mr Robert Henrifone, Mr Silvester Ratray.

Sessio 2^a Eodem die.

The which day the Earle of Dumbar, one of his Majesties Commiffioners, after he had made open declaration of his Majesties good minde and zealous intention towards the establisshing of a good, solid and perfect order in the discipline of the Kirk in this realme ; in the which there were fundrie points, which his Majestie would have reformed ; the reformation whereof doth most properly appertain to his Highness, in respect of his royal au-

thoritie and duty, wherein his Majestie is bound to God Almighty to provide, that the estate of the Kirk within his dominions should be settled as well in Discipline, as in Doctrine, according to the Word of God ; to the effect that, the same being once solidly settled, the true Word of God may be purely and sincerely preached to his Highness subjects ; and the discipline of the Kirk, once wisely and discreetly settled, may be inviolably observed in all tymes coming. Thereafter he produced his Majestys Letter directed to this present Assembly, whereof the tenor followeth.

Right Reverend Fathers in God, Right trustie and welbeloved Cousins, Counsellours, and others our trustie and loving subjects, as well Ministers as Laity, presently met and convened in this Assembly, We greet you well. If the most sharpe censure were taken of every one his particular affection to the religion professed, we might very justly boast, without ostentation, of our ever continued constancie, praised be God, notwithstanding of both the allurements, as also the threatnings of the adversarie, and of the misbehaviour, yea the pride, and often treasonable contempts of some of our subjects of the same profession ; so that none, unto whom either our by past life hath been known, or to whom our present actions are notour, but they without doubt will rest fully persuaded hereof ; since we have now openly declared ourselves to be the Principal Opposits on earth to the Antichristian enemy, against whom to our last breath, without respect of hazard, we do intend to maintain and defend the truth professed. And as it hath pleased God in his mercie to appoint us to be the Nourish Father of his Church here on earth, within our dominions, so do we intend ever to be most careful for setting forward all such things, which may advance his glory, and breed quietness and peace in the Church ; unto which nothing hath been so great an enemy as the want of order and government, without which no bodie or estate, either ecclesiastical or civil, can subsist. And howsoever the singularity of some did, for a certain space, maintain, either by wilfulness or ignorance, a sort of headless government ; yet ere long it did kyth what inconvenience and harm might ensue to the Church, and advancement of the Gospel, by any longer continuance thereof : which moved us, during our stay there in our own person, to take so great pains for finding remedie to this, which otherways had kithed so incurable a canker, being permitted to have had any farther progresse : And, therefore, at that time willing to do things rather by consent, than

absolutely out of our royal power and authoritie, (which also is very lawfull, and granted to us by God himself,) we thereupon not only assisted and countenanced sundrie Assemblies of that Church by our own presence; but have caused others be convened since our departure from thence, having to our great cost and charges procured also maintenance, sufficient in some reasonable sort, for the Fathers of the Church; and have directed order to be taken for the plantation of Churches void: as likewise, in so far as the ecclesiastick jurisdiction by secular persons was incroched upon, we have put also remedie thereto: So as we did fully hope, that before this time, the Church thereupon, apprehending and perceiving errors past, in suffering that anarchie amongst them to keep so long continuance, should have resolved and concluded, and therewith have become suiters and solicitors unto us, for establishing of that government and rule, which is most fit and allowed of, in former times in the Primitive Church: so that things should not be left still in uncertainty, by reason of the division and distraction of minds among yourselves, by which, to your own knowledge, both the common enemy hath increased, and sinne and wickedness remain unpunished. But whether the default be in the Fathers of the Church, their unwillingness, or unworthiness, to do and perform what in dutie belongeth unto them; or in the factious singularity of others of the meaner rank, (who do perhaps presume of their greater credit by keeping things in confusion:) and we not being fully acquainted with the true cause, and yet in our dutie to our God, as being his Lieutenant here, holding ourselves justly bound not to suffer this sort of lingering, in a matter of such moment, have thereupon thought expedient to call this present Assembly, not so much for necessity as that any thing is to be moved, whereunto your consent is much requisite; but that our true affection to Gods glory, and advancement thereof, and to the peace and well of the Church, being declared and manifested, you may try the more inexcusable, for not urging that good to the Church, which we do intend for it without your consents, if we finde a slow concurrence upon your part; and yet hoping, that your forwardness will remove all opinion, which may be conceived either of unwillingness, or oppositions to our so godly intentions: and having referred the particular imparting of our farther pleasure and minde herein, to our right trustie and right well-beloved Cousine and Counsellour, the Earle of Dumbar, and the right reverend Father our right trustie Counsellour, the Archbishop of Sanct Andrews, (both of whom we have directed as our Commissioners to this

present Assembly, and whom we will you credit and trust,) and intending upon their reports to take special notice of every ones affection, and forwardness in this service, and thereupon to acknowledge and remember them hereafter, as any fit occasion for their good shall occurre : We commit you and your actions, with the good successe of the business, to Gods good guiding ; and bid all of you right heartily farewell.

From our Court at Thetfurde, the eight of May, 1610.

After the reading of which his Majesties letter, the Assembly thought it most expedient, that the brethren, appointed to be on the Privie Conference, should convene the next day in the morning, and privatly among themselves after reasoning advise upon such heads of the Discipline of the Kirk, as they should think to have need to be reformed, for giving his Majesty satisfaction in that point.

Sessio 3^a 9 Junij, post meridiem.

The which day, the whole Assembly being convened, the brethren appointed for the Privie Conference, by the mouth of the Moderator, declared that after long deliberation they had agreed upon certain heads concerning the special points of Discipline, within the Church of this realme, for satisfaction of his Majesties will, contained in his Highness letter, which was thought expedient to be read openly to the whole Assembly, whereof the tenor followeth. C.]

Followes the Heids and Articles concerning the Discipline of the Kirk, to be observit in all tyme comeing.

In the first, It is declairit that the alledgit Assemblie holdin at Aberdeen, is null in the selfe, speciallie in respect it had not his Majesties allowance, and was dischargit be his Commissioner.

And because the necessitie of the Kirk craves, that for ordour taking with the commoun enemy, and vther affaires of the Kirk, ther salbe geirlicke Generall Assemblies, the indictioun quherof the Assembly acknowledges to appertaine to his Majestie be the prerogative of his royall crowne ; and, therefore, the Generall Assemblie most humbly requests his Majestie, that

General Affemblies be haldin once in the geir ; or at leift, in respect of the necessitities foresaid, that his Majestie wald appoint a certaine tyme, at the quhilk the samein shalbe haldin in all tyme comeing.

Item, It is thought expedient, that the Bischops shalbe Moderatours in every Diocesian Synod, and the Synods shalbe haldin twyfe in the geir of the Kirks of every Dyocie, viz. in Apryle and October. And quher the Dyocies are large, that ther be two or thrie Synods in convenient places, for the ease of the Ministrie.

Item, That no sentence of excommunicatioun, or absolutioun therfra, be pronouncit against or in favours of any person, without the knowledge and approbation of the Bischop of the Dyocie, quho must be ansuerable to his Majestie for all formall and vnpartial proceedings therin ; and the proces being found formall, the sentence to be pronouncit at the directioun of the Bischop, be the Minister of the paroch quher the offender dwells, and thair proces began.

And in cace the Bischop shalbe found to have stayit the pronouncing of the sentence against any person that hes merit the same, and against quhom the proces hes bein laifullie deduceit, the samein being tryit, and he convict in the Generall Affemblie therfor, that advertisement shalbe made to his Majestie, to the effect ane vther may be placit in his rowme.

Item, That all presentatiouns be direct heirafter to the Bischop ; and vpon any presentatioun givin, or vtherwayes sute made be any to be admittit to the Ministrie, the Bischop is to requyre the Ministers of these bounds quher he is to serve, to certifie by thair testificat vnto him of the partie suter his conversatioun past, and abilitie, and qualificatioun for the functioun : and vpon the returne of thair testificat, the Bischop is to take farther tryall ; and finding him qualified, and being assisted be such of the Ministrie of the bounds quher he is to serve, as he will assume to himselfe, he is then to perfyte the haill act of ordinatioun.

Item, In depositioun of Ministers, the Bischop associating to himselfe the Ministrie of these bounds quher the delinquent served, he is then to take tryall of his fault, and, vpon just cause found, to depryve him.

Item, That everie Minister, in his admissioun, shal sweare obedience to his Majestie, and his Ordinar, according to the forme sett downe in the Conference keipit in the geir of God 1571 geirs, quherof the tenour followis.

The Forme of the Oath to be given be the Person provydit to any benefice with cure, the tyme of his Admissioun be the Ordinar.

I, A. B. now nominat and admittit to the C. of D. vtterlie testifies and declares on my conscience, that the right excellent, right high, and mightie Prince, James the sixt, be the grace of God, King of Scotts, is the only lawfull supream governour of this realme, asweill in things temporall as in conservatioun and purgatioun of the Religioun; and that no forraine Prince, Prelate, State, nor Potentat hes or aught to have any iurisdiction, power, superioritie, preheminance or authoritie, ecclesiasticall and spirituall, within this realme: And, therfor, I vtterly renunce all forraine iurisdiction, powers, superiorities, and authorities; and from this furth promises, I shall and will beare faith and true alledgeance to his Hienes, his aires, and laufull succellours; and to my power fall assist and defend all iurisdiction, priveledges, preheminencies, and authorities granted and belongand to his Hienes, his aires, and laufull succellours, or vnited and annexit to his Royall Crown: And farther, I acknowledge and confesse to have and hald the saids possession of the samein, vnder God, only of his Majestie and Crowne Royall of this realme: and for the saids possession I doe homage presentlie to his Hienes in your presence; and to his Majestie, his aires, and laufull succellours, false faithfull and trew. Swa help me God.

Item, The visitatioun of ilk dyocie is to be done be the Bischop himfelfe: and if the bounds false greater then he can overtake, he is then to make speciall choise, and to appoint some worthie man to be visitour in his place: And quatever Minister, without just cause and lafull excuse made, fall absent himfelfe from the visitation of the Diocesan Assembly, he false suspendit from his office and benefice, and, if he amend not, he false deprivit.

Item, Exercise of doctrine is to be continowit weeklie among the Ministers at the times of thair accustomed meetings, and to be moderatit be the Bishop if he be present; or then be any vther quhom he fall appoint at the tyme of the Synod.

Item, The Bishops false subiect, in all things concerning thair lyfe, conversation, office, and benefice, to the censures of the Generall Assembly; and being found culpable, with his Majesties advyce and consent, to be deprivit.

Item, That no Bifchop be eleētit but quho hes paft the age of fourtie zeirs compleit, and quho at the leift hes bein ane aētuall teaching Miniſter for the ſpace of ten zeirs.

Qubilks haill Articles being diverſe tymes red publickly in the face of the haill Affembly convenit, after votting, the ſamein was ratified, approving, and concludit be the haill Affembly, and ordainit to be obſervit in all time comeing.

[Seſſio 4^a 11 Junij, ante meridiem.]

The ſaid day, the Earle of Dumbar, one of his Majeſties Commiſſioners, being preſently of intention, to have cauſed inſtantly diſcharge all Preſbyteriall meetings by open Proclamation at Mercat Croſſe of Glaſgow; and that becauſe he had received a ſpecial warrant and command from his Majeſtie to that effect, which he on no wayes would nor durſt diſobey; the whole Affembly moſt earneſtly interceed with his Lordſhip, that it might pleaſe his Lordſhip to continue the making of the ſaid Proclamation, and diſcharge of the Preſbyteries contained in the ſaid Letter, for a certain ſpace; that, in the meane time, his Majeſtie might be certiorat of the proceedings of this preſent Affembly, which they doubted not would give his Majeſtie full ſatiſfaction in that part; unto the which requeſt, thoſe of the Nobilitie, being preſently convened by his Majeſties direction in the ſaid Affembly, did concur, and interpon their requeſt to that ſame effect: whereunto the ſaid Earle of Dumbar having acquieſced upon ſpeciall offer made by the Noblemen convened, that they would interceed at his Majeſties hands, that he ſhould be blameleſs for the ſaid delay; for the which the Affembly did giue his Lordſhip moſt heartie thanks: And, therefore, ordained a Letter to be directed, in name of the whole Affembly, containing a moſt humble Supplication, that it might pleaſe his Majeſtie of his gracious favour to accept of the proceedings of this preſent Affembly, in the matter of the Diſcipline of the Kirk, whereunto they had condeſcended for ſatiſfaction of his Majeſties good will, contained in his Highneſs Letter; and in reſpect thereof, that it might ſtand with his Majeſties good pleaſure and will to ſuperſeed all further diſcharge of the ſaid Preſbyteries.

Anent the Supplication given in name of George Marqueſs of Huntlie, &c., bearing in effect, that after long conference and reaſoning had in the

controverted heeds of Religion, betwixt his Lordship and certain of the Ministry deputed to that effect, he was fully resolved in all doubts and difficulties that might arise therein, or trouble him in any sort; in token whereof, he hath subscribed the Heeds and Articles of the Religion presently professed within this realme; which were presented with the said Supplication: And, therefore, desiring that a commission may be directed from this present Assembly, giving power to such Commissioners as they should appoint, to absolve him from the sentence of Excommunication, in respect of his satisfaction foresaid; as at more length is contained in the said Supplication. Therefore, the Earle of Dumbar, his Majesties Commissioner, having declared, in his Majesties name, his Highness minde anent the absolution of the Marques of Huntlie from the sentence of Excommunication; and in special, that it should be tried if his Lordship was fully, in heart and conscience, resolved and satisfied in the heeds of Religion, as he had subscribed the same with his hand, to the intent that thereafter he might be absolved from the said sentence of Excommunication.

The General Assembly, being ripely advised with the said Supplication, and his Majesties minde declared by his Highness Commissioner thereanent, Giveth, granteth, and committeth their full Commission to the persons after specified, the Archbishops of Sanct Andrews and Glasgow, the Bishops of Orkney, Galloway, Brechin, Mr John Hall, Mr Patrick Simpfone, Mr William Couper, Mr Patrick Sharpe, and Mr Andrew Leitch; with power to them to passe with his Majesties Commissioners, and the Earles of Montrose, Glencarne, Cathness, Linlithgow, Kinghorne, Wigtoun, and Lothian, to the Castle of Stirling, where the said Marques is presently confined, and there to try the said Marques his intention and resolution, in the Heeds and Articles of the Religion; and if he be fully satisfied thereanent in his heart and conscience, as he hath outwardly professed the same, subscribed with his hand; and in case they find him fully resolved, and of inward intention to give full satisfaction in all the points and heeds of Religion controverted; and to avow, and constantly to confesse and professe the true Religion, that is presently professed publickly within this realme: In that case, they give full power and commission to the said brethren, with Mr John Hay, Mr John Mitchel, Mr Robert Cornwall, and Mr Patrick Lindsey, or any nine of them, (the Archbishops of Sanct Andrews and Glasgow being alwayes two,) to absolve him from the proceffe and sentence of Excommunication.

Item, It was humbly regrated in the Assembly, that notwithstanding of many lovable acts and constitutions, as well Ecclesiastical as Civil, alreadie made and enacted for repressing the disorder and insolence of professed and excommunicat Papists; yet neverthelesse they doe still remain in their former obstinacie and disobedience; proceeding doubtlesse upon the impunitie which they do enjoy, and oversight whereby they are suffered to have free passage and acceffe in all parts of the countrey, as if they were not excommunicat: For remedie whereof, it is ordained, that every one of the Commissioners present give in roll to the Clerk of the Assembly all the persons that are excommunicat within their bounds; that the same being presented by him to my Lord Commissioner, his Lordship may cause the Secret Councel take order with them, according to the lawes of the countrey.

And because it is not unknown to the Kings Majestie, what treasonable practices and attempts are, from time to time, devised against his Majestie and his Royal Estate by the Papists, and professed enemies to the truth: Therefore, the Assembly hath thought good, that a Supplication should be directed to his Majestie, in name of the whole Assembly, to put his Majestie in remembrance of his own estate and danger, whereunto his Majestie is subject through the cruel and craftie treason daily forged and contrived against his state and person, by the Papists, Jesuits, and Seminarie Priests, enemies to God and the true Religion, and to his Majestie, because his Highness is a special maintainer of the same against their false and erroneous doctrines; that, therefore, it would please his Majestie to have such regard to his own estate, and preservation of his most sacred person from their bloudie devices, that by debarring of them and their favourers from his Majesties presence, his Majestie, by the grace and protection of God Almighty, may be preserved in safety, to the advancement of the glory of God, establishing of the true peace of the Kirk within his Majesties dominions, and comfort and tranquillitie of his Highness subjects, whose wealth and prosperitie in this earth, under God, they acknowledge to consist in his Majesties preservation.

Sessio 5^a 11 Junij, post meridiem. C.]

Forsameikle as in this present Assemblie it is alreadie statute, that the

Exercises ſhalbe moderatit be the Biſhops in the meetings of the Miniſtrie, if they be preſent, or then be any yther quhom they ſhall appoint at the tyme of the Synod : and becauſe the nixt Synod is not to be haldin befor the moneth of Oꝕtober nixt to come ; therefor, it is ordainit, that in abſence of the Biſhop, the conſtant Moderatours ſhall remaine in their awin places quhill the nixt Synod be halden in Oꝕtober.

Item, Becauſe it is vncivill that laws and conſtitutiouns, either Civill or Eccleſiaſticall, being anes eſtabliſchit and in force, by publick and opin conſent, ſould be controllit and callit in queſtioun by any perſon : therfor, it is ſtatute by vniforme conſent of this haill Aſſemblic, that none of the Miniſtrie either in pulpitt in his preaching, or in the publick exerciſe, ſpeake and reaſon againſt the acts of this preſent Aſſemblic, nor diſſobey the ſame, vnder the paine of deprivation, being tryit and conviꝕt therof ; and ſpeciallie, that the queſtioun of equalitie and inequality in the Kirk, be not treattit in pulpitt vnder the ſaid paine ; and that every ane of the Com-miſſioners preſent intimat this act in the firſt meeting of thair exerciſes.

[Item, It is ſtatute and ordained by the whole Aſſemblic, that the celebration and ſolemnization of the holy band of matrimonie, be refuſed to no Chriſtians within this realme, neither upon Sunday, nor upon any other day, when the ſame ſhall be required : and ordaineth that the ſame be performed with all chriſtian modeſtie, and without all diſorder.

Item, Becauſe through fundrie parts within this realme, as well in the highlands and borders, as in the mid countrey and beſt inhabited and peopled land, there be many Kirks lying deſtitute of a Paſtor and preaching of the Word, to the great diſcomfort of the people, whoſe ſoules are thereby fruſtrated of the ordinarie food of the Word of God, which proceeds for the moſt part of the laick patronages, and ereꝕtion of ſpiritual benefices in temporal livings ; which ereꝕtions are either not accepted by the purchaſers thereof, but left in ſuſpenſe at the ſeales, without any proviſion made to the Miniſters of the Kirks of the benefice : or if they be accepted, either the proviſion, appointed for the Miniſter, is ſo mean, that it is altogether unable to intertain an honeſt man in his calling ; or elſe the Miniſter is altogether fecluded from uplifting that portion allotted to him by pariſhioners, addebtet in payment thereof, and is compelled to await for the ſame from the erected Lord his chamberlain, or his garner, and ſo in a manner getteth none, or at the leaſt ſmall payment of the ſame : For

remeed whereof it is thought expedient, that the brethren after specified, viz. the Archbishops of Sanct Andrews and Glasgou, the Bishops of Orkney, Galloway, and Cathness, with John Clappertoun, Mr John Hall and Mr Robert Buchanan, shall conveen at Edinburgh, the 20 day of June instant, and form a Supplication to be direct to his Majestie for planting of all the Kirks that are unplanted within this realme, whatsoever rank or qualitie the same be of, and that the same be direct to his Majestie by the Archbishop of the Bishop of Brechen, Mr John Hall and Mr William Couper, whom the Asseembly hath appointed their lawful Commissioners, to present in all reverence to his Majestie the humble petitions and supplications direct to his Highness from this present Asseembly. C.]

Extractit furth of the Register of the Acts of the Generall Asseembly
be Mr Thomas Nicolson, Commisfar of Aberdeen, Clark, Keiper,
and Extracter therof.

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[Proclamation be the King, ratifying the Asseembly at Glasgou 1610.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our lovits, &c., Messingers, our Sheriffs in that part, conjunctly and severally, specially constitut, greeting. For as much as there be none who are ignorant of the great harmony and uniformity of minds among the Nobility, the Fathers of the Church, and a number of the most learned and best affected of the Ministrie, at their late meeting and General Asseembly of the Church of this our kingdom, conveened in our City of Glasgou, and since with the general applause of all them who were then mett together, there were diverse and fundry most worthy ordinances and constitutions then established and concluded for the weale of the Church, and preservation of good order, rule, peace and tranquillity within the same : and we, by our speciall Letter directed to the Lords of the Privy Consil, having expressly willed and commanded them, upon the ending of the said Asseembly, for the more authorizing of the conclusions of the same, to command all our subjects of whatfomever fort, condition, or function, that they doe obtemper, obey, and not contradict, oppone or impugne any article, point or head of these conclusions : And in regard that, by special

act concluded in the said Assembly, all Ministers and Preachers whatsoever are expressly prohibited and forbidden, either in privat or in publick, to speak against or impugne any of the conclusions made at that meeting, under the pain of deprivation: Therfor, the said Lords of the Privy Counsell have ordained, and ordain thir our Letters to be direct in manner and to the effect following, as an act made thereupon bears. Our will is herefor, and we charge you straitly and command, that incontinent thir our Letters seen ye pass to the Mercat Crofs of our Burgh of Edinburgh, and all other places needfull, and there be open proclamation, in our name and authority, that ye command and charge, and inhibit all our subjects whatsoever; and in special, all teaching and preaching Ministers, and lecturing Readers, within this our kingdom, that none of them presume or take upon hand, either in their sermons publickly, or in their privat conferences, to impugn, deprave, contradict, condemn, or utter their disallowance and dillyke in any point or article of these most grave and wise conclusions of that Assembly endit with such harmonie, as they will answer to the contrary at their highest perrill and charge; and that you command all our Shireffs, Stewarts, Bailiffes and their Deputs, all Provests and Bailies of our burrowes, and all other our officers and magistrats whatsoever within our said kingdom, that if they doe hear or understand of any breach of this present command, by any Preacher, Minister, or lecturing Reader, or other subject whatsoever, that they fail not presently to committ the trespasser in this kind in some prison or ward, untill such time as they having advertised the saids Lords of our Privy Counsell of the same, they shall have their answer returned, what farther shall be done by them: and where any magistrat shall be found and tryed to have been unwilling, remiss or slouthfull in the execution of this present direction, It is hereby declared, that their negligence and connivence at any such fault shall make them as culpable hereof as the principal offender; and they shall be accordingly with all rigour and severity punished. And herewith that ye command all others our subjects of whatsoever quality, bearing no office or charge of magistracy, and so wanting power to apprehend and committ the delinquent, that upon their hearing of any one transgressing the present command and proclamation, that they doe certify the next magistrat or some one of our Privy Counsell of the same; otherways they shall be reputed, holden and accounted guilty of the same offence, and shall be punished as principal transgressors in this kind. The which to doe, we committ to you, conjunctly

and severally our full power be thir our Letters, delivering them be you duely executed and indorfed again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of June, and of our reign the eight, and fourty thrie years, 1610.

Per actum Secreti Confilij, &c. C.]

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A.D. M.DCXII.

A Ratificatioun, be Act of Parliament haldin at Edinburgh, 1612 zeirs, of the Acts and Conclufiouns sett down and aggreitt vpon in the Generall Affemblie haldin at Glasgou, in the moneth of June 1610 : Together with ane explanatioun made by the Eftates, of fome of the Articles of the fame.

Forfameikle as in the Parliament haldin at Edinburgh, in the geir of God 1597, the Eftates of this kingdom remittit to his Majeftie to confult and aggrie with the Generall Affemblie of the Kirk, vpon the authoritie and power quhilk the Archbifchops and Bifchops fould have in the policie and difcipline of the Kirk : Wheranent after that his Majeftie and his Commiffioners many tymes had moft feriously conferrit and advyfit with the Miniftrie : At laft conclufioun was takin in the Generall Affemblie haldin at Glasgou, in the moneth of Junij, 1610 zeirs, determining all the doubtfull and contravertit points concerning the jurifdictioun, policie, and difcipline forfaid, with full and vniforme confent of a very frequent number of godly Minifters, affifit be the counfell and concurrence of a great many of the beft affectit Nobilitie, Barrones, and Commiffioners of Burrowes of this kingdom, in maner, fubftance, and effect following : with the explanatioun maid be the Eftates of Parliament prefentlie conveyit, of fome of thefe articles refolvit vpon in the foirfaid Affemblie of Glasgou.

In the firft, the forefaid Affemblie acknowledgeth the indictioun of the Generall Affemblie of the Kirk to appertaine to his Majeftie, by the prerogative of his Royal Crowne.

And farther ordaines, that the Bifchops falbe Moderatours in every Dioceſian Synod. And the Synod fall hald twyfe in the geir of the Kirks of every Dyocie, viz. in Apryle and October : and quher the Diocies are

large, that ther be twa or thrie Synods in convenient places, for ease of the Ministrie: And in case the Bischop of the Dyocie be absent vpon any necessar occasion, in that case his place shalbe supplied be such ane worthie Minister, bearing charge within the bounds, as the Archbischop or Bischop shal appoint.

That no sentence of excommunicatioun or absolutioun thereof be pronouncit aganist or in favours of any person, without the knowledge and approbatioun of the Bischop of the Dyocie, quho mull be answerable to God and to his Majestie for all formall and vnpartiall proceeding therein: And the proces being found formall, the sentence to be pronouncit at the directioun of the Bischop, be the Minister of the paroch quher the offender dwells, and the proces began.

That all presentatiouns to benefices be directit heirafter to the Archbischop or Bischop of the Dyocie, within the which the benefice vacand be dimissioun, deprivation, decess, or vtherwayes, lyeth: with power esse to the Archbischop or Bischop to dispoise and conferre such benefices as falls in his Dyocie, jure devoluto: Provyding alwayes, in caise any Archbischop or Bischop shold refuse to admitt any qualified Minister, (accepting the presentatioun grantit to him, and who hath bene once receivit and admitted to the functioun of the ministrie, being then still vndepryvit,) presentit to them be the patrone, in the caise of any such refuse, It shalbe laifull to the patrone to reteine the whole frutes of the said benefice in his awin handis. And either he, or the paroch wanting a Pastour, be reason of the not planting of the Kirk, (in caise the refusall therof come be the Bischop,) may complaine therof to his Archbischop; and if either the Archbischop be the refuser, or els give not due redresse being complained vnto: in that case the Lords of his Majesties Privie Counsell, vpon the parties complaint of the refuse, and no sufficient reason being givin for the same, shal direct letters of horneing, chargeing the Ordinarie to doe his ducie in the receiving and admitting of such a person as the said patrone hath presentit. It is alwayes declarit, that if any Archbischop or Bischop shal deprehend any such person as is presentit to him, to have come within compasse of a simoniacall pactioun with the patrone, in so farr as he hath either alreadie hurt, or promised or bound himselfe to prejudge and hurt the estate of his benefice in not reserving a sufficient maintenance for him and his successours, answerable to the estate of his benefice; and that the Bischop or Archbischop shal vnderstand the same, either be the parties oath, or vther cleir prouf and

evidence: in that case they may lawfullie refuse any such person presentit to them. But if the partie who is presented, hath reservit to himselfe and his successours a sufficient maintenance, the setting of tacks, or promise to doe the same, or doing of any thing els to his patrone, (being not prejudiciall to that aforesaid maintenance,) fall no wayes be ascryvit to any simoniackall pactioun, nor fall not serve for any reason to the Archbischop or Bischop to refuse him. And in case any such contraverfie or question fall occure betuixt the patrone, the person presentit, and the Archbischop or Bischop, It is declarit, that the Lords of Counsell and Session shalbe Judges thervnto, to decyde vpon the said symoniackall pactioun, and qualitie of the same, if any such thing shalbe objectit against the partie presentit.

In depositioun of Ministers, the Bischop associating to himselfe the Ministrie of these bounds quher the delinquent served, he is ther to take tryall of the fact, and vpon iust causes found, to depryve: And the lyke ordour to be observit in suspensioun of Ministers from the exercise of the functioun.

That every Minister in his admissioun shal sweare obedience to his Majestie, and to his Ordinar, according to this forme following: I A. B. now nominat and admittit to the kirk of D. testifie and declare in my conscience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faith, &c. is the onlie lawfull supreme governor of this realme, asweill in matters spirituall and ecclesiasticall as in things temporall: And that no foraine Prince, State, nor Potentate, hes nor aught to have any iurisdiction, power, superioritie, preheminencie, or authoritie ecclesiasticall or spirituall within this realme. And therfor, I vtterlie renounce and forsake all foraine iurisdiction, power, superiorities, and authorities; and promises, that from this furth I shal and will beare faith and true alledgance to his Hienes, his aires, and lawfull successours; [and to my power shal assist and defend all jurisdictions, priviledges, preeminences, and authorities granted and belonging to his Highness, his heirs, and lawfull successors,] or vnited and annexit to his Royall Crowne. And further, I acknowledge and confesse to have and to hold the said D. and possessioun of the same, vnder God, of his Majestie, and his Crowne Royall of this realme: and for the saids possessiouns I doe homage presentlie to his Hienes in your presence: and to his Majestie, his aires, and lawfull successours, shalbe true. So help me God. And als that every

Minister in his admissioun fall sweare obedience to his Ordinar, according to this forme following: I A. B. now admittit to the Kirk of C. promises and sweares to E. F. Bishop of that Dyocie obedience, and to his successors in all lafull things. So help me God.

And if the said benefice be at the presentatioun of ano laik patrone, the person presentit fall give his aith as followes: I G. H. now admittit to the forsaide benefice, testifie and declare in my conscience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faith, &c. is the onlie lafull supreme Governor of this realme, as weill in matters spirituall and ecclesiasticall as in things temporall; and that no forraigne Prince, State, nor Potentate, hes nor aught to have any iurisdiction, power, superioritie, preheminence, nor authoritie ecclesiasticall or spirituall within this realme. And therfor, I vterlie renounce and forsake all forraigne iurisdiction, power, superiorities, and authorities; and promises, that from this furth I fall and will beare faith and true alledgance to his Hienes, his aires, and lafull successors; and to my power shall assist and defend all iuridictions, priviledges, preeminencies, and authorities granted and belonging to his Hienes, his aires, or lafull successors, or vnitid and annexit to his Royal Crowne. And I doe acknowledge and confesse to have and hold the said benefice and possessionns of the same, vnder God, be his Majestie, of E. F. lafull patron of the same.

That the visitatioun of ilk Dyocie be done be the Bishop himselfe; and if the bounds be greater than he can overtake, that then he make speciall choise of some worthie man of the Ministrie of the Dyocie, to visite in his place: And quhatever Minister, without just cause and lafull excuse made, fall absent himselfe from the visitatioun, or the Diocesian Assemblie, he salbe suspendit from his office and benefice; and if he amend not, he salbe depriuit.

That the Conventiouns of Ministers for Exerceise salbe moderatit be the Bishop being present; and in his absence, be any vther Minister quhom he fall appoint at the Synod.

Quhilks acts, ordinances, declaratiouns, and determinatiouns above wrytin, his Majestie finding to be verie aggricable to the true religion profest within this kingdome, and to the godly and decent governement of the Kirk, Ministrie, and whole members thereof: Therfor his Hienes, with advyce and consent of the Estates of Parliament, ratifies, approves, and con-

firmes all and fundrie the premyffes : and ordaines them and every ane of them to be obeyit and obfervit, be all his Hienes fubieets, as inviolable lawes in all tyme comeing. Annulling and refcinding the 114 aet of his Majefties Parliament, haldin in anno 1592, and all and quhatfomever aets of Parliament, laws, ordinances, conftitutiouns, fentences, and cuftomes, in fo farre as they or any of them, or any part of the fame, are contrair or derogatorie to any of the articles above wrytin, als essentially and effectually in all refpects as if the faids aets and confuetudes heirby abrogat were at lenth heirin expreffit.

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A.D. MD.CXV.

[The Courts of High Commiffion united in December, in forme and manner following.

Our Sovereigne Lord ordaineth a Letter to be made under his Highnefs great Seal, in due form, making mention, that forfameikle as it hath been heavily complained to his Majeftie, in the behalf of the Miniftrie of the Kingdom of Scotland, of the frequent Advocations, made by the Lords of Councel of the fame Kingdom, againft fuch as are either erroneous in religion, or fcandalous in life ; whereby they are not only difcouraged from cenfuring of vice, but the offenders fo much the more emboldened to continue in their wickednefs, ufing theirAdvocation as a mean and delay, both to difappoint trial and punifhment, knowing that many of the Miniftry, in regard of the meannefs of their provifion, are unable to attend, and profecute the diet of fuch proceffe ; the matter contraveened being alfo improper to the Councel to cognofce upon. For efchewing of the which inconveniences, and that the number of true Profefors may be known to increafe, the Antichriftian enemie and his growth fuppreffed, all kind of vice and fcandalous life punifhed, and that no cover of iniquitie, nor delay of trial and punifhment of the offender be left, by this fubterfuge of difcharging the Ecclefiaftical cenfure to proceed in things fo meer proper for them, or being otherwife of a mixt nature, in regard of the danger and fequel of law by reafon of the offence committed ; which in this cafe can no wayes be fo well fupplied, as by the particular choife of fome of the Nobilitie,

Clergie, other Laicks and Ministers, being well affected in religion, zealous in the cause of God, and desirous to have all vice and sinne punished, and the increase and growth of the enemy stayed : And because the citation of the foresaid persons is oftentimes protracted or delayed by absence of any of our two Archbishops of Scotland, either by sickness, or for other reasonable causes ; so that by the absence of our Archbishop of Sanct Andrews, the scandalous persons, within the Province and Diocie of Sanct Andrews, cannot be cited to compare before our Archbishop of Sanct Andrews as their Ordinar : And by the absence of our Archbishop of Glasgow, the offenders, within the Province and Diocie of Glasgow, cannot be cited to compare before our Archbishop of Glasgow ; so that the scandalous persons, at the least the most part, escape punishment : Therefore, for remedie hereof, out of his dutie towards God, and love to his Kirk, being the Nurfe Father of the same upon the earth, within his Majesties dominions ; and grieving, that either hereticks, schismaticks, or scandalous livers, should finde any subterfuge, colour, or escape the old ordinarie course from the Ecclesiastical punishment, appointed by his Hienes laws, against offenders in such causes, both given, granted, and committed, and by the tenor hereof, gives, grants, and committs full power and commillion to the most reverend Fathers in God, and his Highness right trustee and welbeloved Connfellors, John Archbishop of Sanct Andrews, Primat and Metropolitan of Scotland, and James Bishop of Glasgow, conjunctly and severally, and Alexander Earle of Dumfermline, Chancellour of our Kingdom of Scotland, John Earle of Marr, George Earle of Morfchal, John Earle of Montrose, Peter Bishop of Aberdeen, Alexander Bishop of Murray, William Bishop of Galloway, Patrick Bishop of Ross, Andrew Bishop of Brechin, Alexander Bishop of Cathness, Adam Bishop of Dunblane, Andrew Bishop of Argyle, and George Bishop of Orkney, the Lord Binning, Secretary of our realme of Scotland, Lord Lindsay, William Lord Sanquhair Lord Forbes, Walter Lord Blantyre, Sir Richard Cockburne of Clerkington, Lord Privie Seal, Sir Alexander Hay of Whitburgh, Clerk of Register, Sir William Oliphant Newtoun Knight, our Advocate, Sir Gedeon Murray of Eliebank Knight, our Treasurer Depute, Sir David Carnegie of Kinnaird Knight, Sir William Levingstoun of Killyth Knight ; Mrs Patrick Galloway, John Hall, Peter Hewat, Andrew Ramfey, Ministers at our Burgh

of Edinburgh, Mr John Ramfey, Minister at . . . Mr John Hay, Parfon at Ranfrew, Mr William Birnie, Minister at Air, Mr John Abernethie, Minister at Jedburgh, Mr Edward Hepburn, Minister at Prestoun, Mr John Mitchelson, Minister at Bruntland, Mr Theodor Hay, Parfon of Peebles, Mr Thomas Henrison and Mr John Arthure, Commiffars of Edinburgh, Mr John Weemes, Commiffar of Sanct Andrews, Mr William Hay, Commiffar of Glasgou; or any five of them, the faids Archbishops of Sanct Andrews and Glasgou, or any one of them, being of the number of the forefaids, to fummon or call before them, at fuch time and places as they fhall think moft meet, all perfon or perfons, dwelling within our Country of Scotland, and within the Provinces of Sanct Andrews and Glasgou, and Diocies of the fame, being offenders either in life or religion, whom they finde any wayes to be scandalous; and fpecially, refettors and intercommuners with Jefuits, Seminary and Maffe Priests, or excommunicat Papifts, fayers and hearers of Maffe, recusants, and not communicants, inceftuous and adulterous perfons; and that they take trial of the fame: And if they finde them guiltie and impenitent, refufing to acknowledge their offence, they fhall give direction and command to the Preacher or Minister of that parifh, where they dwell, to proceed with the fentence of excommunication againft them; which fentence, if it be protracted or delayed, and their command by that Minister be not prefently obeyed, they fhall then convene any fuch Minister before them, and proceed in cenfuring him for his difobedience, either by fufpention, or deprivation, or otherwife, according as in their difcretion they fhall hold his obftinacie, and refufal of their directions, to have deferved: And farther, to fine at their difcretions, imprifon, or ward any fuch perfons, whom, being convened before them, they fhall find upon trial, for contumacie, or their non compearance, to have deferved fuch punishments for the faid crimes: And a warrant under the hand of any five above named, any one of the faid Archbishops being alwayes one of them, fhall ferve for a fufficient command to Captains and Conftables of his Highnefs Wards and Caftles, and to all keepers and Jaylors of all Prifons or Wards, either within burgh or land, within any part of the faid countrey, for receiving and detaining of fuch perfons, as fhall be directed unto them, to be kept by them in fuch form as by the faid warrants fhall be prefcribed, as the faid offenders will answer to the contrarie upon their peril. And of all fuch fines, as fhall be impofed upon any offender, the one half

to appertain to his Majestie and his Highness Treasurer ; another half to be employed upon such necessary charges, as the said Commissioners shall be forced unto, by charging all Papists, and witnesses to compear before them ; and the surplus to be bestowed, at the sight of the said Commissioners, ad pios usus : And that the said Letters be extended in the best form with all clauses needful, and with command therein to the Lord of his Highness Privie Council of Scotland, upon the sight of any certificat, subscribed by any five of the said Commissioners, the said Archbishops being alwayes two of them, either of fine imposed upon any partie found guiltie, or of the contumacie or refusal of any partie to compear before them, to direct a summar charge of horning upon ten dayes only, for payment of the fines to be imposed upon them, and to direct his Highness Letters and warrant for present denouncing of persons that are contumacious, for their contumacie and refusal to compear, being lawfully called to that effect : and that no suspension nor relaxation be granted, without a certificat under the Bishops hands, of the partie charged his obedience and satisfaction : And in case of farther disobedience of the partie, who shall be charged for his fine of non compearance, his Majestie then ordaineth his Lords of Council to prosecute the most strait order, as is used against any others his Highness rebels, for any other cause whatsoever : With power to the said Commissioners to proceed therein ; and also to take trial of all persons, that have made defection, or otherwise are suspected in religion ; and as they finde any just cause against them, to proceed in manner foresaid : Commanding also by thir presents the Captains and Lieutenants of his Majesties guards, Provosts and Bailliffs of Burghes, where the said Commissioners shall sit, Sheriffs, and Bailiffs of Regalities, and all others his Majesties Officers, and Ministers of the lawes, to search, seek, take and apprehend all and sundrie persons his Majesties lieges, whom the said Commissioners shall think meet to be presented to their judgement and trial, upon a warrant subscribed by any five of the said Commissioners, any of the said Archbishops being alwayes one of them : And also, whensoever they learn or understand of any Minister, Preachers or Teachers in Schooles, Colledges or Universities, or of exhorting and lecturing Readers within these bounds, teaching or speaking against the present established order of the Kirk or Estate, against any of the conclusions of the by past General Assemblie holden at Glasgow, or any acts of Parliament, and specially, the act of Parliament holden at

Edinburgh, in October 1612 years: and therefore, after calling before the said Commissioners, they shall be questioned upon the points of that which is laid against them, and punished according to the qualitie of their offence. And whereas complaints shall be made unto them by any partie, that shall be conveyened before any Ecclesiasticall Judicatorie, for any such crime as he shall be suspected of, and the partie alledge there, that the matter itself is impertinent to that Judicature, and the proceedings to be, and to have been unformal; or that the Judicature itself hath been partial: And when the said Commissioners shall see a just cause, they shall take like as it shall be leesome to whatsomever person or persons, to appeal to the said Commissioners from any inferior Ecclesiasticall Judge, upon any reasonable cause: then and in that case, the said Commissioners to take cognition therein, the case of Appellation being found reasonable: With power also to the said Commissioners, to make choise of the Clerk, Procurator fiscal, and other members of Court; and to direct precepts in name of the said Archbishops and their Affociats, for their citation of any parties before them, within the bounds of the said countrey, in any of the causes or cases above named: which precepts shall be sealed with a special Seal, containing the Armes of the said two Archbishops; and these presents shall be a sufficient warrant, both for making, and using the said Seal; and to charge witnesses to compear before them, under the pain of fourtie pounds usual money of this Realme of Scotland: And upon a certificat from the said Commissioners, that any of the said penalties are incurred by their contumacie, the said Lords of Councel shall direct the like charges for payment of the same, as is appointed for the fines. Attour, our said Sovereign Lord by the tenor hereof dischargeth the Lords of his Highness Council and Session of all advocating to themselves, from our Ecclesiastical Judicatories, any of the matters of the qualities above written; but that they referre the same to the decision of the said Commissioners: And geperally to do all and whatsoever things the said Commissioners shall hold fit and convenient for his Highness service herein, according to the intent and purposes of his Majesties Commillion: Charging likewise, and commanding all and fundrie his Highness lieges and subjects, whom it effeirs, to answer readily, and obey the said Commissioners, or any five of them, any of the said Archbishops being alwayes one of them, their officers and Ministers, in all and fundrie things concerning the premisses, under all

highest pain and charge that after may follow : And ordains our Great Seal to be appended to the same ; whereunto these presents shall be a sufficient warrant.

Given at Roystoun, the 21 of December, the year of God 1615 years,
and of our reigne fourtie nine, and thirteen years.

A. Chanc. Binning.
Murray. Alexander Hay.

A. D. MD.CXVI.

The Kings Letter to Mr John Spottwood, Bishop of Sanct Andrews.

Right reverend Father in God, right trusty and well beloved Counsellor,
We greet you well. We have received your letter of the 13 of this instant, whereby ye and the remanent Bishops doe give us account of the High Commillions proceedings, and the causes moving them at their last meeting, to committ the Marquefs of Huntlie : and as we are well pleased both with your Assembly, and that effect thereof, especially at this time of so great defection, and apostacy in the North ; so it is our pleasure, that the said Marquefs be no ways relieved of his commanded restraint, but that he remain therein, notwithstanding our late letter sent to him, which being directed and dispatched before we knew of his restraint, is not to be interpreted as a warrant for his relief thereof ; so as notwithstanding the said letter, ye are still to detain him, if he be in prison, and otherways to cause him reenter the same.

And seeing now ye haue made so fair an entry and way to curb and correct Popery, and prevent the future growth and increase therein ; so we are the more earnestly to perswade you to sett forward in so good a cause, without fainting or wearying ; because at this time of the Marquefs his imprisonment, every man will be in expectation of some real effect and work of reformation : Wherfor you and all the rest of your colleagues are to use the greater care and diligence in your proceedings against the Jesuits, Priests and Papists in these parts ; and chiefly against these of the said Marquefs his name, kind, and dependents, by citation, or such other course as ye shall think meet for their discovery, pursuit, tryal, and punishment,

wherein as we doubt not, but ye will perform all that we can expect or require of you, so may ye be confident of our special approbation, and aid to be conferred to any lawfull course that ye intend or take for the same.

In the mean time, among other particulars of that letter sent unto us, wee cannot but take special notice of the devilish disposition of Cornelet Gordouns wife, in railing so wickedly against a Preacher, and using such speeches to divert people even at the church door from entering to hear the Word: Wherfor, our pleasure is, that ye resolve upon the most expedient course to bring her to Edinburgh, and she to be committed to the Tolbuith thereof: for if these speeches expressed in the said letter be verified against her, we will repute her as infamous, odious, and punishable as any witch: and unless be her punishment, we be confirmed of her guiltiness, we must esteem the information made against her to be but an invention, and yow too easily to haue believed a lye.

According to your desire, we have required our Depute Treasurer to cause dispatch the guard to pursue Gight, and take his house. And for punishing the rest that being cited, compeared not before our Hie Commission, we have willed him to proceed against all and every one of them, with all severity and rigour of law.

And to conclude, whereas ye desire the declaration of our pleasure concerning Mr John Murrey: Seing be his conformity he has given you satisfaction, we are well pleased, that ye place him in Dumfermling, or elsewhere as ye shall think most fitt. And so we bid yow farewell.

At Wansteade, the 22 of June, 1616.

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Proclamation be the King, for holding the General Assembly at Aberdeen, in August 1616.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our Lovits, &c. Mellingers, our Shireffs in that part, conjunctly and severally, specially constitut, greeting. For as much as the Prelats, and the reverend Fathers of the Kirk, foreseeing that there is a great decay in religion, and a growth and increase of Poprie, within this our kingdom; and that the samen is like to produce many dangerous effects against the Estates, both in Kirk and Policie: And the said Prelats hav-

ing gravely deviled upon the best and readiest means, both for preventing and suppressing this growth of Popery; and for reforming of the disorders and abuses flowing therefra, they haue found, that nothing is more expedient for effectuating their good work than a National Assembly, and meeting of the whole Kirk: And by their petitions presented to us, they have humbly craved our licence for the holding of the said Assembly: Lykas we allowing of their good advice and opinion in this point, and being willing to hold hand to them in all and every thing which may procure the good of the Kirk, We have most willingly and freely given and granted our consent, licence, permission and allowance for holding of the said Assembly, and ordaining the same to hold at our Burgh of Aberdeen, and to begin, God willing, upon the 13 day of August next approaching, in this instant year of God, 1616 years. Our will is herefor, and we charge yow straitly, and command, that incontinent these our Letters seen ye pass, and, in our name and authority, make publication thereof be open proclamation, at the Mercat Crofs of the head burrowes of this our kingdom, and other places needfull, wherethrough none pretend ignorance of the same: And that ye warn all and sundry Archbishops, Bishops, Commillioners from the Kirks, and others having vote in the said Assembly, that they repair in due and lawfull tyme to our Burgh of Aberdeen, against the said 13 day of August next, and assid the said Assembly and meeting with their presence and votes, and doe and perform that which to their charges in such cases appertaines, as they will answer upon the contrair at their perrill: The which to doe, we committ to you, conjunctly and severally, our full power be these our Letters, delivering them be yow duely execut and indorsit again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of July, and of our reignes the 49 and 14 years, 1616.

Per Actum Secreti Consilij. C.]

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A. D. MD.CXVI.

The Generall Affemblie of the Kirk of Scotland, halden at Aberdein the 13 day of August 1616: Where was present the Erle of Montrois, Commiffioner for his Majestie, Lords and Barones, together with the Archbishops, Bishops, and Commiffioners from Presbitries.

[A Fast was indicted, be Proclamation and found of trumpet, to be kept this day: Patrick Forbes, Laird of Corse, taught in the morning; the Bishop of Sanct Andrews before noon; Mr William Forbes after noon.

The King ordained by his Letter, the Primat to rule the Clergie, and his Commiffioner, the Earle of Montrose, to order the Laitie; and desired the Affemby to advise upon certain overtures for the rooting out of Popery, which he promised to authorize be his lawes. So Mr John Spotfwood, Archbishop of Sanct Androis, stepped into the Moderators place without election. Secretar Hamiltoun and the Lord Carnegie were appointed by the King to assist the Earle of Montrose. The Catalogue of the Presbyteries was not called, nor Commiffioners considered, whether free or limited. A number of Lords and Barones decored the Affemby with filks and fat-tins, but without lawfull Commiffion to vote. Bishops had no Commiffions from Presbyteries. The Moderators of the Presbyteries came according to the Bishops Missives.

The whole Bishops and Lords of Councel, that were present, together with the Kings Commiffioner, and his Assistants, the Secretary, and the Lord Carnegie, and fifteen other Lords and Barones, with twenty Ministers, or thereby, were appointed to sit upon the Privie Conference. The first four dayes were spent in preaching, renewing old acts, and making some new acts against Papists. C.]

Sessio 2^a 14 Augusti.

Forfameikle as the most vrgent causes of the convocation of this present Assemblie, is to obviat the great increafe of Papistrie within this realme, and to try out the just causes heirof, to the effect that sufficient remedies may be provided for redressing of the same in all tyme coming; and that it is found be the whole Assemblie, that ane great part of the causes of the said increafe relies partlie vpon the slackness of the Ministrie in their holie professioun, and partlie vpon the not executing of the laws, allweill civil as ecclesiasticall, against such persons as either were excommunicat themselves, and oppinly contemnit the said censure; or quho intertaines, receipts, and maintaines quho were excommunicat; or quho were traffiquers against the true religioun presentlie profess within this realme: For remeid quherof, the whole Assemblie in ane voyce hes statute and ordaint in maner after following.

In the first, For the better tryall and discovering of Apostates, it is statute and ordaint, that quhosoever hes confessit the true religioun presentlie professit within this realme, and hes subferyvit the samein, and hes receyved the holy sacrament of the Supper of the Lord, and communicat conforme to the ordour observit within this realme; if at any tyme heirafter he or sche be found any tyme, either to reason against the said true religioun presentlie professit within this realme, or any article or heid therof, or to raile against the same, or els directlie or indirectlie to be a seducer or perverter of vthers from the said trueth presentlie professit, as said is; or if he or sche be found to receipt or intertaine any traffiquing Papists, Jesuites, or Seminarie Priests: Any of the said facts or deids salbe a sufficient cause of apostasie, and these doers salbe reput, haldin and punishit as apostates.

And becaufe the probatioun in the saids causes is difficile and almost impossible, in respect that the saids deids are committit covertlie, and quherin probatioun can hardly be deducit: Therfor it is statute, that in cace vther probatioun cannot be had, that it fall be lawfull to prove the samein be the aith of the partie alledgit committer of the saids facts and deids; and that it fall not be leifum to him to refuse to give his oath in the saids matters, vpon quhatsoever colour or pretence of criminall actioun, or vthers

following thervpon : and to this effect that ane supplicatioun be directit to his Majestie, that it might please his Hienes to sett downe ane ordinance for ratificatioun of the former statute, to the effect it may be receivit in all Judicatories.

Item, It is statute, if any person or persons quho hes conformit himselfe to the true religioun presentlie profess within this realme, and hes subscribed the Confessioun of the Faith, and receivit the Communioun, if at any tyme heirafter he or they doe not haunt the ordinar exercises of religioun, being admonished be thair ordinar Pastour trina admonitione [directed from the Sellioun of the Church,] the same being proven false and sufficient cause to punish them as hald and repute apostates.

Item, It is statute and ordainit, that quhatsumevir person, known of before tyme to have bein a Papist, and after his reconciling to the Kirk, he false tryed and found to weare and beare vnder person Agnus Dei, beids, croces, crucifixes, or to have in their houses idols and images, or in thair bookes sick things as befor they have superstitiously used, the samein fall inferre just suspitioun of apostasie, and falling back in the saids errors ; and they being convicted thereof, false haldin and repute as apostates.

Item, It is statute and ordainit in all tyme heirafter, quhensoever any Minister fall receive any Papist returning from his errors to the bosome of the Kirk, that at the tyme of his receiving, the Minister fall first take his aith solemnlie sworn, that he fall declare the veritie of his faith and beliefe in every particular point and article, contained in the Confessioun of the Faith, quhilk false speirit at him ; and that immediatlie thereafter the said Minister fall examine him particularlie vpon everie heid conteinit in the Confession of Faith, and receive his particular answer thervpon affirmativé, conforme to the samein ; vtherwayes that he fall not be receivit.

Item, It is statute anent the wyves of Noblemen, Gentlemen, and others professing Papistry, quho resetts traffiqueing Papists, Jesuites, and Seminarie Priests, as if the same were done against the will and knowledge of thair husbands, that all such wemen false callit and conveyit for the said receipt and intertainment ; and thair being convicted therfor, that they false wardit ay and quhill they find sufficient caution to abstaine from the lyke receipt or intertainment, in any tyme coming, vnder a certaine paine ; but prejudice of any action that may be competent against thair husbands, conforme to the laws of this realme.

Item, Because the speciall cause of increase of Papistrie proceedis vpon

the not putting to execution of the statutes and acts of Parliament made against traffiqueing Papists, Jesuites, and Seminarie Priests; that therfor a supplicatioun be directit to his Majestie, that it will please his Hienes to take such ordour, that the loveable lawis and acts of Parliament, made be his Majestie in tymes bypast against traffiqueing Papists, Jesuites, and Seminarie Priests, may be put to executioun, in all tymes comeing, with all severitie.

Item, It is ordainit, that the haille names of Papists recusants, within this realme, be givin in be the Commillioners of this present Assemblie, to the Clerk, to be delyverit be him to the Archbischops of Sanct Androes and Glasgou, conforme to thair severall Provinces, to the effect they may be callit and conveyit before them in the Hie Commioun, and punished as accords; but prejudice alwayes of vther ecclesiasticall censure, and discipline of the Kirk, statute aganis them of befor.

Item, It is ordainit, that every ane of the Ministrie give up the names of such of thair paroch as hes past furth of the countrey, and not found cation for thair behaviour, and sincere professioun of the religioun, foorth of the samein, conforme to the act of Parliament, to the effect they may be callit, conveyit, and punished conforme to the said act.

Item, It is ordainit, that the whole names of the persons excommunicat within this realme, quhilk falbe givin vp be the Commillioners, be delyverit to the Bischop of every Dyocie, quho sall delyver a catalogue of the names to every Minister within his Dyocie, ordaining every Minister to make publick intimatioun thereof, at every ane of thair paroch kirks, vpon Sunday, in tyme of divyne service, that no man pretend ignorance of the same; chargeing and inhibiteing every ane of thair paroch, that they neither receipt the said excommunicants, nor intercommune with them: certifieing them and they doe in the contrair, they falbe callit and conveyit as receipters of traffiqueing Papists and excommunicat persons, and be punished for the same.

Item, The Assemblie recommends to the care of Bischops within thair Dyocies, and Ministers within thair congregatiouns, to travell with noblemen, gentlemen, and burgeses, that ther be ordinar exercise of reiding and prayer within thair houses, as also ane prayer for the Kings Majestie and his children, after every meale: [And that the Minister of every parish haunt the houses to see the same observed.]

Sessio 3^a. 15 Augusti 1616.

Item, Because ther are some pamphletts and bookes full of calumnies, quyetlie sett foorth, and spred within this countrey be the Papists, and enemies of the true religioun : Therfor the Affemblie hes ordainit, that Mr William Scott, Minister at Couper, and Mr William Struthers, Minister at Edinburgh, [the Laird of Corse, and the Bishop of Galloway,] fall make ansuers to the saids bookes and pamphletts, to the effect that therby the peiple may be instructit how to beware of the samein, and the said errors and calumnies may be refutit.

Item, Because it is certainly informed, that certaine women taks vpon them to bring vp the youth in reiding, sewing, and vther exercises in schooles ; vnder pretext and colour quherof, traffiqueing Papists, Jesuites, and Seminarie Preists hes thair appointit tymes of meeting : at quhilk tymes they catechise and pervert the youth in their young and tender age, in such sort that hardlie therafter, by great paines and travells, can they be brocht fra their errors to the acknowledging of the trueth presentlie professit within this realme : It is therfor statute and ordainit, that it fall not be leifum to quhatsumevir person or persons to hold any schooles for teaching of the youth, or to teach them therin, except they first have the approbation of the Bishop of the Diocie, and be first tryit be the Ministers of the Presbytrie, quher they dwell, and have thair approbation to the effect forsaide.

Item, Because ther is a great abuse in peiple passing to pilgrimages to wells, to trees, and auld chappells ; as likewayes in putting vp of bane-fyres : Therfor it is ordainit, that the brethren of the Ministrie be diligent in teaching of the peiple, and preaching against such abuses and superstition, to the effect they may be recallit from the saids errors : as lyke-wayes that the Ministrie take diligent tryall of the names of those quho haunts these pilgrimages, and to delate the same to the Archbishops of Sanct Androes and Glasgou, every ane within thair awin provinces, to the effect they may be callit befor the Hie Commissioun, and punishit for the same. It is lykways ordainit, that thair names be delyverit to the Justices of Peace, with the places of thair pilgrimages, and dayes of thair meetings ; and that they may be requistit and defyrit to attend vpon the

saids dayes of thair meetings, and to disturb and divert them therfrom, be apprehending and punishing of them.

Item, It is ordainit, that every Minister give vp the names of ydle songsters within thair parishes to the Justices of Peace, that they may be callit and conveyit befor them, and punishit as ydle vagabounds, conform to the Acts of Parliament, and power given to the saids Justices of Peace theranent.

Item, Because it is found, that diverse of the said Jesuites, traffiqueing Papists, and Seminarie Priests goes about, vnder the colour and pretext of Doctours of Phylick and Apothecaries, deceiving and perverting the peiple from the true religioun professit within this countrie: Therfor ane supplicatioun wald be direct to his Majestie, that it wald please his Hienes to statute and ordaine, that none heirafter be sufferit to vse and exercise the office of ane Doctour of Phylick or Apothecar, quhill first he have ane approbatioun from the Bishop of the Dyocies, quher he maks his residence, of his conformitie in religioun; as lykewayes from the Vniversitie, quher he learnit and studied, of his qualificatioun and sufficiencie in the said art.

The quhilk day compeirit in presence of the haille Assemblie John Gordoun of Buckie, in name, and at the directioun of ane noble and potent Lord, George Marqueis of Huntlie, and presentit a petitioun, direct be the said George Marqueis of Huntlie, to the said Assemblie, subscrivit with his hand, craving to be absolved orderly from the sentence of excommunication, and desyring ane ansuer of the same to be given be the Assemblie; quherof the tenour followes, as is to be found in the end of this Assembly.*

The Bishop of Sanct Androes presented ane letter direct from the Archbischop of Canterburie, together with ane vther letter from the Kings Majestie, concerning the absolutioun of the said Lord Marqueis from the sentence of excommunication made be the said Archbischop of Canterburie, quhilk were both red in presence of the said Assemblie, and ordainit to be registrat in the Acts of the Generall Assembly ad perpetuam rei memoriam, quherof the tenour followis:

Heir to insert the two letters quhilk is to be found afterward.*

With the quhilk the Assemblie being rypelic advilit, hes thocht it most expedient, that the said Marquesse compeir in the presence of the haille As-

* The documents referred to are not contained in the two MS. copies of B. U. K. Advocates Library, nor in the MS. or printed copies of C. to which we have had access.

femblie, ther to testifie his conformitie in the points of religioun, and refolutioun to abide therat; and swa to be absolvit from the sentence of ex-communicatioun pronuncit against him: And, therfor, ordains the said John Gordoun of Buckie to advertise the said Lord Marqueis, that he compeir befor the Assemblie, on Wednesdai nixt to come, the xxj day of August instant, to the effect forsaid: And for the better furtherance heirof, the Assemblie hes desyrit the Lord Commiffioner, and Lord Archbifchop Moderator, to wryte thir letters to the said Lord Marqueis for the causes forsaids: and the whole Assemblie was charged to stay while that time.

[The Bishop of Canterburie excuses Huntlies absolution in England. The reasons moving the Bishop of Canterburie. 1. His Majesties fute, assuring him that he was fully resolved. 2. The Bishop of Sanct Andrewes had requeisted him divers times to further that mans conversion, whensoever occasion was offered. 3. He was resolved by the best learned in England, that he might absolve him. 4. That he did it of brotherly affection, and not as claiming any superiority over the Kirk of Scotland. 5. He was informed be the Bishop of Cathness then present at Court, that it would be acceptable service to the Kirk of Scotland. C.]

Decimo sexto Augusti, 1616.

The said day, the Lord Commiffioner for his Majestie produceit certaine instructiouns, direct by his Majestie to the said Lord Commiffioner, to be proponit to this present Assemblie, anent the provisioun of the remedie for the defectioun and falling away of many from the trueth: quherof the tenour followeth:

Instructiouns to our right trustie and welbelovit Cufigne and Counsellour the Erle of Montrois.

[1. That order be taken with the delapidation of benefices, and the progress thereof stayed, and some means devysed to recover that which is lost.

The Assemblie thought good, that the determination of this matter should be referred to some of the most wise and discreet of the Ministrie to consult and advise thereupon. And, in the meantime, it is statute, that no Bishop,

Minister, or beneficed person, sett or ratifie any tack under the paine of depolition, till order be taken be the said Commillioners thereanent.

2. That the chief burrow touns be planted with sufficient, wise, learned, and peaceable men ; especially such places as are now vacant, as Aberdeen, Perth, Edinburgh and Bamse, &c.

3. That the most learned, discreet Ministers be appointed and transported to places where Noblemen has their residence, specially suspect of Papistry ; and if the means of the provision be small where they are transported, to take the rents and stipend which they had before with them, till better order be taken : and to this effect the Assembly ordaines, that ilk Bishop within his Diocye, with advice of the Synod, shall transport Ministers as they shall think expedient.

4. That special canon be made, that all Archbishops and Bishops in their visitation, either be themselves, or if they may not overtake the samen, the Ministers of the parish make all young children of six years old be presented to them, to give confession of their Faith, that they may appear in what religion they are brought up. After which every two or three years they shall be examined, till they come to 14 years of age. After sufficient growth of knowledge they may be admitted to the Communion : and that punishment be appointed for them that presents them not, or are negligent in their instruction.

5. That a true and simple Confession of Faith be set down, to the which all shall sweare before they be admitted to any office in Kirk or Commonweale ; and all students in Colledges.

6. That a short and compendious Catechism be made, which every kirk and familie shall have for the instruction of their children and servants, whereof they shall give account before the Communion, and every one be examined conforme thereto.

7. That all children and schools shall have and learn be heart the Catechism, intituled God and the King ; which already, be Act of Consell, is ordained to be read and taught in all schooles.

8. That a Liturgie be made, and form of divine service, which shall be read in every church, in common prayer, and before preaching every Sabbath, be the Reader where there is one ; and where there is none be the Minister befor he conceive his own prayer, that the common people may learn it, and by custome serve God rightly.

9. That the Communion be celebrat four times ilk year in the burrow touns, and twice in landwart ; and one of the times to be at Easter yearly. And if any communicat not once in the year, the act of Parliament is to strike upon them with all severity.

10. That there be an uniformity of discipline ; and to that effect the Canons of the former Counsils and Assemblies to be extracted ; and where the same are defective, to be supplied be former Canons and Ecclesiastical meetings. For setting down whereof, the Commissioners following are ordained to convene with the Bishops, in Edinburgh, the first day of December next to come, viz. the Laird of Corse, Mr John Reid, Mr George Hay, Doctor Philip, Mr David Lindsay in Dundie, Mr William Scott, Doctor Howit, Mr John Mitchelson, Mr Patrick Galloway, Mr John Hall, Mr Edward Hephburn, Doctor Abernethy, Mr Robert Scott, Mr William Birnie, Mr William Areskine, or the most part of them.

11. For the help of the posterity, and furtherance of religion, that a special care be taken of the Divinity Colledge in Sanct Andrews ; and to that effect, that every Diocie shall furnishe two Students, or so many as may make the number to extend to twenty six ; and the half thereof to be children of poor Ministers, to be preferred be the Bishop of the Diocie : providing always, that these who are furnished within the Province of Glasgow, that is to say, the Diocies of Glasgow, Galloway, Argile, and the Isles, shall be brought up in the College of Glasgow ; and not be afflicted to Sanct Andrews, but when they pass Doctors only.

12. That none teach in pulpit publicly before the people, but these that have received imposition of hands ; and whosoever does otherways be incapable of the Ministry.

13. That every Minister shall minister the Sacrament of Baptism quhensoever it shall be required, under the pain of deposition ; the godfather promising to instruct the infant in the faith.

14. That every Minister have a Register of baptisms, mariages, and deaths, within the parish, to be presented to ilk Synod : For doing whereof, it is statute, the Ministers, their wives, and executors shall have the quotts and confirmation of their testaments free. C.]

Quhilk being red in audience of the hail Assemblie, they give most humble thanks to his Majestie for the great care and sollicitude his Majestie

alwayes tooke for the advancement of the glorie of God, and professioun of the true religioun within this realme, and holding downe and suppressling of Papistrie and superstitioun within the same: And as to the saids instructiouns, the brethren was ordainit to advyse therwith quhill the morne.

Decimo septimo Augusti, ante meridiem.

Anent the saids instructiouns directit from the Kings Majestie to this Assemblie, the said Assemblie being rypelic advyit therwith, hes statute and ordainit, as followeth.

In the first, Concerning the causes of the defectioun and falling away of many from the true religioun in this kingdome, and the remedies therof, the Assemblie hes sett them downe in the articles made befor in this present Conventioun: And therfor most humble desyres his Majestie to confirm and allow them, and make them receive executioun.

Item, Because the laik of competent maintainance to Ministers is the cheefe cause of the evill, quhilk lay vpon this Kirk, quhilk for the most part proceids from dilapidation of benefices: to the effect therfor, that the progresse of that mischeife may be stayit, and some meanes devyfit to recover that quhilk by iniquitie of tyme hes bein losit, the Assemblie remitts the tryall, cognitioun, and whole dispositioun of this matter to the Commissioners appointit from this Assemblie, for the causes underwrytin: And in the meantyme inhibites and discharges all Ministers quho are beneficeit persons, and vthers quho are members of any Chapter, to sett in tack or assedatioun any part of thair benefices, either in long or short tackis, to quhatsumevir person or persons; or as members of Chapter to give thair consents to any tack or assedatioun sett be vthers, quhill the saids Commissioners have conveynit and takin ordour anent delapidatioun of benefices, and forme and maner of setting of tacks, vnder the paine of excommunicatioun of the persons setters of the saids tacks and consenters therto; and deprivation of them from thair benefices.

Item, Because the provisioun of learnit, wise and peaceable men to be Ministers at cheife Burrowstounes in vacant places, sikk as Edinburgh, Perth, Aberdein, Bamffe, and vther places vacant, is ane most effectuall meane to roote out Poperie, and perpetuat the professioun of the true religioun: It

is therfor ordainit, that the Burrowtounes be provydit with the most learnit, wife and peaceable men that may be had. And becaufe the Commiffioners for the Towne of Edinburgh hes no commiffioun from the faid towne, anent the provifioun of Minifters to the vacant places in the faid Kirk: Therfor the care thereof is remittit to the faids Commiffioners, to quhom it falbe injoynt in thair commiffioun, that they lie the fame performit. And as to Perth, the Affembly ordaines my Lord Bifhop of Galloway to deale with the Commiffioners of the Towne of Perth, for provifioun of that vacant place. And ficklelike ordaines the Proveft of Aberdein to advyfe with the Counfell, anent the planting of the faid Kirk; to the effect fufficient and qualified men may be nominat and provided to the faid places, befor the diffolving of this Affembly.

Item, Becaufe a fpecial care fhould be had of Noblemen thair refidence, cheiflie of fuch as were thoght to inclyne towards Poperie: Therfor the Affembly ftatutes and ordaines, that the Lords Archbifchops and Bifchops, with the advyce of thair Synods, take care that moft learnit and difcreit perfons of the Miniftrie be appointit to attend the faids places, and be tranfportit therto, fickle as to the Kirks of Dumbenene, Bellie, Northberwick, Cockburnefpath, Peiflay, and fuch vther places quher Noblemen makes refidence, cheifly thofe quho are thought to inclyne towards Poperie; and that they have a care of thair maintenance and fufficient provifioun: And if the fame be fmall, that thefe that are appointit to attend at the faids Kirks, carrie thair livings and rents with them, quhill farder order be takin.

Item, Forfameikle as one of the moft fpeciall meanes for faying of the increafe of Poperie, and fettling of the true religioun in the hearts of the peiple, is, that a fpeciall care may be takin in the tryall of young children, thair educatioun, and how they are catechifit; quhilk, in the tyme of the primitive Church, was moft carefullie attendit, as one of the moft effectuall meanes, to caufe young childrein in thair verie tender yeirs drink in the true knowledge of God and his religioun; bot is now altogether neglectit, in refpect of the great abuse and errours quhilk creip in in the Popifh Church, vpon the faid good ground, be bigging thervpon ane Sacrament of Confirmation: Therefore to the intent that all errours and fuperftitioun quhilk hes bein biggit vpon the faid ground, may be refcindit and takin away, and that the matter itfelfe being moft neceffar for educatioun of youth, may be reduceit to its awin integritie, It is ftatute and ordainit, that

the Archbishops and Bishops, in the visitation of the Kirks, either be themselves, or quher they cannot overtake the bullines, the Minister of the paroch, make all young childrein of fix zeirs of age be presentit befor them, and to give the Confellioun of Faith, that so it may appeare in quhat religion they have bein brocht vp; and that they be commendit to God by solemne prayer at the tyme, for the increase of thair knowledge, and continuance of his grace with them. After that tryall, that the Minister of the paroch, every two or thrie zeir, ance at the least, reexamine them, that after sufficient growth in knowledge they may be admittit to the holie Communion. And it is defyrit, that ane supplication be directit to the Kings Majestie, humble craveing that it wald please his Hienes to injoyne ane punishment vpon such parties, as either doe not present thair childrein, or falbe found negligent in thair right instructioun; and that they be callit and conveint therfor befor the High Commislioun.

Item, It is statute, that the simple Confellioun of Faith vnderwrytin be vniversallie receivit throughout this whole kingdome, to the quhilk all heirafter falbe bound to sweare and sett thair hands; and in speciall all persons that beare office in the Church, at thair acceptation of any of the saids offices; and lykewayes Students and Schollers in Colledges: Of the quhilk Confellion the tenour followes.

Heir to insert the Confellioun of Faith.*

Item, It is statute and ordainit, that a Catechisme be made, easie, short, and compendious, for instructing the commoun sort in the articles of religion, quhilk all families falbe subiect to have, for the better informatioun of thair childrein and servants, quho falbe holdin to give accompt therof in thair examinatiouns befor the Communion. And for the better effectuating heirof, the Assemblie hes ordainit Mr Patrick Galloway and Mr John Hall, Ministers at Edinburgh, and Mr John Adamson, Minister at Libbertoun, to forme the said Catechisme, and to have the same in readines, befor the first day of October nixt to come, to the effect the same may be allowit, and printit with the Kings Majesties licence: The quhilk Catechisme being so printed, it is statute and ordainit, that no vther heirafter be printed within this realme, nor vsed in families for instructioun and examinatioun of thair bairnes, servants, nor the peiple in all tyme coming.

Item, It is statute and ordainit, that ane vniforme ordour of Liturgie or

* Printed at the end of this Assembly.

Divyne Service be fett down to be red in all kirks, on the ordinarie dayes of prayer, and every Sabbath day befor the fermoun, to the end the commoun peiple may be acquaintit therwith, and by custome may learn to serve God rightlie. And to this intent, the Affemblie hes appointit the faids Mr Patrick Galloway, Mr Peter Ewat, Mr John Adamfone, and Mr William Erskine, Minister at to revise the Booke of Commoun Prayers containit in the Psalme Booke, and to fett downe ane commoun forme of ordinarie service, to be vsed in all tyme heirafter; quhilk salbe vsed in all tyme of commoun prayers [in all kirks quher there is exercise of commoun prayers;] as lykewayes be the Minister before the fermoun, quher ther is no Reidar.

Item, It is statute and ordainit, that in all tyme heirafter, the holie Communioun be celebrate in all kirks within this realme, at the tymes following, viz. in Burrowstounes, the Communioun salbe celebrate foure tymes in the geir, and twyse in the geir in landwart Kirks; swa that ane of the tymes, as weill to Burgh as to Landwart, salbe at the terme of Easter geirlie: and if any person fall not communicat geirlie ance in the geir, at one of the forsaide tymes, that it be humblie requyrit of his Majestie, that the penaltie of the act of Parliament may be exactit of such persons with all rigour.

Item, It is thocht most necessar and expedient, that ther be ane vniforme ordour of Church Discipline throughout all the Kirks of this kingdome; and to that effect it is statute and ordainit, that a Booke of Canons be made, publised in wryte, drawin foorth of the bookis of former Affemblies; and quher the same is defective, that it be supplid be the Canons of Counfells and Ecclesiasticall Conventiouns, in former tyme: The care quherof the Affemblie be thir presents committs to the Right Reverend James Archbishop of Glasgou, and Mr William Struthers, Minister at Edinburgh, quho fall put in forme the said Ecclesiasticall Canons, and present them in wryte to the Commissioners appointit be this Affemblie, to quhom power is givin to try, examine [and allow the same;] and after thair allowance and approbatioun thereof, to supplicat to his Majestie, that the same may be ratified and approved by his Royal authoritie, with priviledge to put the same in print.

Item, It is statute and ordainit, that for the help of posteritie, and to continue the light of the Gospell with ages to come, the Divinitie Colledge foundit at Sanct Androes, quhilk shuld be the seminarie of the Kirk within this realme, be maintainit and vpholdin, and ane speciall care takin therof.

And becaufe the rent therof is meane for the prefent, it is ordainit, that for the provifioun of fome fludents in Divinitie, every Dyocie fall intertaine two ; or according to the quantitie of the Dyocie fo many, as the number may arife to twentie fixe in haill, refpect being had to the meannes of fome Dyocies, and greatnefs and power of vthers ; fo that the leaft Dyocies in thair contributioun falbe helped and eafit be the greater : In the quhilk number it is ordainit, that the halfe at leift be the fonnes of pure Minifters, and be prefentit be the Bithops of the Dyocies to the place.

Item, The Affemblic ratifies and approves the former Aët made in the Affemblic haldin at Halierudehous, the tent day of November 1602, anent the facrament of baptifme, that the fame be not refufeit, if the parent crave the fame, he giving a Chriftian confellioun of his faith, vpon any vther particular pretence of delay to tyme of preaching ; with this extenfion and additioun, that baptifme fall no wayes be denyed to any infant, quhen either the parents of the infant, or any faithfull Chriftian in place of the parents, fall requyre the fame to the infant ; and that the fame be granted any time of day, but any refpect or delay till the houre of preaching.

Item, It is ordainit, that every Minifter have a perfyte and formall Register, quherin he fall have regiftrat the particular of the baptifme of every infant within his paroch, and quho wer witnellës therto ; the tyme of the mariages of all perfons within the fame ; and the fpecial tyme of the buriall of every ane deceifand within thair parochin ; and that they have the fame to be in readines to be prefentit be every ane, at thair nixt Synod Affemblic, vnder the paine of fufpenfioun of the Minifter not fulfilling the fame, from his Miniftrie. And it is defyrit, that the faids Commiffioners, in thair fupplicatiouns direct to his Majestie, wold crave humblie that his Majestie wald ordaine the extract foorth of the faids Registers to make faith in all tyme comeing : and quho fo obferves this Aët, the Archbifchops and Bifchops fall let them have thair quots of thair testaments gratis.

Acta Sessione ultima.

The quhilk day, in prefence of the whole Affemblic, compeirit ane noble and potent Lord, George Marqueis of Huntlie, and declarit, that he had directit of befor John Gordoun of Buckie to prefent his fupplicatioun to this prefent Affemblic, quherof the tenour is inferit before ; lykeas of new

he reiterat the said supplicatioun, declaring the sorrow and greife he had conceivit, in that he had lyin so long vnder the fearefull sentence of excommunicatioun; and, therfor, most humble desyrit to be absolvit from the same; lykeas he faithfullie promised, in face of the haill Assemblie, to perform and fulfill the heids and conditiouns vnder specifeit, viz.:

First, The said noble Lord faithfullie promised befor God, his hand holdin vp, to professe and abyde be the true religioun presentlie professit within this realme, and allowit be the laws and acts of Parliament of the same.

2. He faithfullie promised to communicat at the first occasioun he should be requyrit, and so to continue, conforme to the ordour of the Kirk.

3. He sould cause his childrein, servants, and haill domesticks be obedient to the Kirk and discipline therof; and sould cause them haunt the kirk at ordinar tymes of preaching.

4. He sall not receive Papists, Jesuites, nor Seminarie Preists in his house, nor nane of his lands; but put them out of his bounds with all diligence.

5. He allows the Confessioun of the Faith presentlie sett downe be the said Assemblie; and in token of his constant confessioun and professioun therof, he hes subscryvit the same in presence of the haill Assemblie.

Quhilk haill promises above specifiet, the said noble Lord protests and declares that he hes made and subscryvit truelie and with ane honest heart, but any equivocatioun, mentall reservatioun, or subterfuge quhatsumevir, devyfit be the Romisch Kirk and thair supposts.

Attour, The said noble Lord faithfullie promises to plant his whole kirks, quherof his Lordship hes the teinds in tack, possessioun, or vtherwayes, at the sight and conclusioun of my Lord Archbisshop of Sanct Androes, the Bishop of Murray, and the Laird of Corse, vnto whose modificatioun the said noble Lord submitts himselfe, be the tenour of thir presents, giveand them power to modifie compleit stipends to the saids kirks; and as they salbe modified be them, he oblisches him to make payment of the same to the Ministers provydit or to be provydit to the said kirks.

And in respect of the premisses, the Assemblie ordainit the said noble Lord to be absolvit from the sentence of excommunicatioun led and deduceit aganis him befor:

Conforme quherto, the Right Reverend Father John Archbisshop of Sanct Androes, Moderatour, in face of the haill Assemblie, absolvit the

faid noble Lord, George Marqueis of Huntlie, from the faid sentence of excommunicatioun, led and deducit againſt him, and receivit him againe into the boſome of the Kirk.

The quhilk day, the Generall Aſſemblie of the Kirk of Scotland preſentlie convenit, having entrit in conſideratioun of the cauſes of the defectioun and falling away of many from the true religioun, and having found the lack of the competent maintenance to Miniſters not to be the leaſt cauſe of the evils, quhilk lyes vpon the Kirk preſentlie; the ground and fundament quherof, for the moſt part, hes proceidit from the dilapidatioun of benefices, with the quhilk if ſome ſolid ordour be not takin in tyme, the ſame is apparent to bring foorth greater evill and deſolatioun in this Kirk: And ſeeing that the Kings Majeltie hes requirit, that ordour may be takin with the faids delapidatiouns, Therfor, in reſpect the ſame cannot be ſuddenly done, but will requyre ane lang tyme and maturo deliberatioun, the Aſſemblie hes givin, grantit and committit, lykeas they, be the tenour heirof, gives, grants, and committs thair full power and commiſſioun to the brethren vnderwrytin; they are to ſay, the Reverend Fathers in God, John Archbiſhop of Sanct Androes, James Archbiſhop of Glaſgow, Alexander Biſhop of Dunkeld, Alexander Biſhop of Murray, Patrick Biſhop of Roſs, William Biſhop of Galloway, Andro Biſhop of Brechin, Andro Biſhop of Orknay, Alexander Biſhop of Cathneſs, Adame Biſhop of Dumblaine, Andro Biſhop of Argyll, Andro Biſhop of the Iſles, Patrick Forbes of Corſe, George Douglas, Miniſter at Cullen, Mr John Reid, Miniſter at Logie Buchan, Mr George Hay, Miniſter at Turreſs, Doctour Hendrie Philip, Miniſter at Arbroth, Mr David Lindſay, Miniſter at Dundie, Mr William Scott, Miniſter at Couper, Doctour Robert Howie, Rector of Sanct Androes, Mr John Mitchelfone, Miniſter at Bruntland, Mr Patrick Galloway, Mr John Hall, Mr William Struthers, Miniſters at Edinburgh, Mr Robert Scott, Miniſter at Glaſgow, Mr Edwart Hepburne, Miniſter at Haughe, Doctour John Abernethie, Miniſter at Jedburt, Mr William Birnie, Miniſter at Air, Mr William Erkine, Miniſter at Giveand, grantand, and committand to them, or the moſt part of them, thair full power and commiſſioun to convene at Edinburgh, the firſt day of December nixt to come, in this inſtant geir of God 1616, and ther to take ordour with the dilapidatioun of benefices, and to ſett downe ſolid grounds how the progreſſe of that miſcheife might be ſlayed, and to devyſe

vpón some meanes to recover and restore the estate of these benefices, quhilk be iniquitie of tyme hes bein losit ; and if neid beis, to call and persew befor them these quho hes made the saids dilapidatiouns, and punish them therfor ; and as they fall conclude, the same to be inactit, and have the force of this present Assemblie : With power lykewayes to the saids Commiſſioners, or the most part of them, as said is, to take ordour anent the planting of sufficient and qualified Persons in burrowtounes presentlie vacand, and are not plantit at this present Assemblie : With power lykewayes to receive from the right Reverend Father, James Archbischop of Glasgou, and Mr William Struthers, Minister at Edinburgh, the Canons of Church Discipline committit to thair charge, and to revise the samein, allow and disallow therof ; and to direct a supplicatioun to his Majestie, desyreing that it wold please his Hienes to ratifie and approve the samein, and to warrant the printing therof be his authoritie Royall.

[These words following were added by the Archbishop :

Item, Power to receive the books of Liturgie or Divine Service, allow and disallow thereof, as they shall think expedient ; and the same being allowed, to cause publish the same in print for the service, within the Kirks of all the kingdom : As also to revise the Confession of Faith presented to this Assemblie, and after mature deliberation to take order, that the same may be published : And in all these things to do as they will be answerable to God, and the Kings Majesty, and the Church. C.]

The new Confession of Faith.

We believe with our hearts and confesse with our mouths these Articles of Religion following.

That God is a Spirit immutable, eternal, infinit in power, in wisdom, in goodness and glory ; from whom, be whom, to whom are all things, in whom we live, in whom we have our being ; who is one only God, and three Persons, which are coessential, coeternal, and coequal. The first is the Father, who is of none. The second is the Son, who from all eternity is begotten of the Father. The third is the Holy Ghost, who from all eternity proceedeth from the Father and the Son. This glorious God from all eternity, out of his wisdom and infinit knowledge, decreed all things that were after to be done. This God, before the foundation of the

world was laid, according to the good pleasure of his will, for the praise of the glory of his grace, did predestinat and elect in Christ some men and angels unto eternal felicity ; and others he did appoint for eternal condemnation, according to the counsel of his most free, most just and holy will, and that to the praise and glory of his justice.

In the beginning of time, when God created of nothing all things in heaven and in earth, visible and invisible, he made them very good ; and above all things he made man and angels conform to his own image, in righteousness and true holiness : but some of the angels of their own free motive sinned against God, left their original, forsook their habitation, and abode not in the truth, and thereby became damned devils.

Then Satan abused the craftie serpent for his instrument, seducing our mother Eva ; she tempted her husband Adam : So both disobeyed the commandment of God, and thereby made themselves and their whole posteritie the bondmen of Satan, slaves of sin, and heirs of eternal damnation.

By this fall of Adam all his posterity are so corrupted, from their conception and nativity, that not one of them can do, or will any thing truly acceptable to God, till they be renewed by the will and Spirit of God, and by faith ingrafted in Jesus Christ.

This our original and native corruption by regeneration in part is weakened and mortified ; yet it is sinne indeed remaining in us, alwayes lusting against the Spirit, and tempting us to sin actually, as long as we live.

Albeit all mankind be fallen in Adam ; yet only these who are elected before all time, are in time redeemed, restored, raised, and quickned again, not of themselves, or of their works, lest any man should glory : but only of the mercy of God through faith in Jesus Christ, who of God is made unto us wisdom and righteousness, sanctification and redemption ; that according as it is written, He that glorieth, let him glory in the Lord.

This then is life eternal to know the true God, and whom he hath sent Jesus Christ : whereas vengeance shall be taken on all them that know not God, and do not subject themselves to the Gospel of the Lord Jesus Christ, by the obedience of faith.

We believe, that the rule of this knowledge, faith, and obedience, yea and of the whole worship of God, and of all christian conversation, is not the wit nor will of man, nor unwritten traditions whatsoever ; but the wisdom and the will of God, which is sufficiently revealed in the Canonical

Scriptures of the Old and New Testament, which are Genesis, Exodus, &c. exclusis Apocryphis.

We believe, that the authority of the holy Scriptures is divine ; for they are all of divine inspiration, and have God for their author ; their authority depends upon God, and not upon man ; they have power over all flesh, and no creature has power over them. We are absolutely bound to believe them for their own testimony, which is the testimony of God himself speaking in them ; and our faith dependeth not upon any external testimony of the Kirk witnessing of them. All things necessary to salvation are contained therein ; all the doctrines of the Kirk must be warranted be them ; all controversies of the Kirk must be decided be them, as the lively and plain voice of God, who is supreme Judge in matters of faith and worship.

We believe, that all points of faith and worship are so set down in the Word of God, that what is obscurely proponed in one place, is most clearly expounded in other places ; neither receive we any interpretation of any Scriptures in these matters, which is not warranted be other Scriptures.

These holy writts are delivered be God to his Kirk, to make us wise unto salvation by faith in Jesus Christ, whose person, office and benefits they most clearly and fully sett furth unto us.

The Lord Jesus Christ is declared in Scripture to be the eternal Son of God, begotten from all eternity of the Father, by whom he created the world, by whom also he does sustain and govern all things that he has made : And this Eternal Son of God, when the fulness of time came, was made man of the woman, of the tribe of Judah, and of the seed of David and Abraham, even of the blessed virgin Mary, by the Holy Ghost coming upon her, and the power of the most High overshadowing her, by whose marvellous and divine operation, the Son of God was made man of a human body and soul, and in all things like unto us, sin only excepted ; and yet so he was made man, that he ceased not to be God ; and so is God that he is also man, having both the natures, divine and humane, united together in a personal union ; so that in ane admirable Person the two natures are distinct, and not confounded in respect of their essence, their essential properties, and proper operations.

And because of the union of the nature of man in one person with the Son of God, Christ, God and Man, is to be adored and worshipped of us : for to Christ, God and Man, all power in heaven and earth is given, and

he hath gotten a name above every name, that at the name of Jesus every knee should bow.

The purity of the human nature of Christ is to be ascribed to the supernatural operation of the Holy Ghost, who separated the seed of the woman from the natural corruption, and not to the purity of the virgin Mary his Mother : for she doubtless was conceived and born in sin, and had need of her Son to be her Saviour, as well as other women.

The Lord Jesus Christ, as God and Man, is the Saviour of his Kirk, which is his body ; and the fulness of him filleth all things ; neither is there salvation in any other thing.

This blessed Lord has fulfilled the whole law for us, to our behove, and in our place, both doing all that the Law requireth of us, and suffering the punishment due to our disobedience, even the curse of the Law, and death of the cross, whereby the fulfilling of the Law, our redemption was sealed and consummated.

We believe, that as he died for our sin, and rose for our righteousness, so he ascended to heaven, to prepare a place for us, and sitteth at the right hand of God, to make intercession for us, and is able perfectly to save them that come to God by him ; who albeit in his manhood he be so in the heaven, that he is no more in the earth ; for the heavens must contain him, till he come to judge the quick and the dead ; yet in his Godhead he is so present every where, be his power sustaining all things, and be his gracious Spirit directing and governing his Kirk militant upon earth.

We believe, that the Lord Jesus Christ was appointed and anointed of the Father to be the King, and High Priest, and supreme Teacher of his Kirk.

We believe concerning his Prophetical Office, that he is the only master and teacher of his Kirk, whom God be his own voice from heaven commanded us to hear ; who has revealed the whole will of the Father touching our salvation ; and what he has heard of the Father, he hath made known to us, speaking nothing to his Kirk, which he did not before hear of his Father, that his Kirk might learn to receive nothing in faith and worship, which she has not heard of him.

As concerning his Priestly Office, we believe, that he is our only mediator both of redemption and intercession ; and that, by the sacrifice of himself once offered on the cross, he has made a full satisfaction for all our sins, and doth continually make intercession for us to God : And, therefore,

we abhorr that supposed reiterating of the sacrifice of Christ in the Masse ; and we renunce all kind of intercession of Saints and Angels.

As concerning the Kingdom of Christ, beside his absolute empire, whereby he ruleth all things, we believe him to be our eternal King, and only Head of his Kirk Universal : Neither he nor his Kirk hath any need of a Lieutenant Deput in his place ; seeing he is present in his Kirk alwayes be his Spirit, powerfully working therein, calling, collecting, quickning and graciously ruling in her, be the Ministry of the Word and Sacraments, to the consummation of the world.

We believe, that our communion with Christ our Head is spiritual, by the Holy Spirit, which dwelleth powerfully both in the body, and in the Head, making the members conform to the Head ; and it is no ways corporal, or by any fleshly receiving of his body.

We believe, that, be vertue of this communion, Christ is ours, and we are Christs, and his suffering is our satisfaction ; and by it we have right, title and interest in all the benefits, which he did promerit and purchase to us by his suffering.

We believe, that God justifies sinners by remitting of their sins, and by imputing to them the righteousness and obedience of Christ, whereby he fulfilled the whole Law in our place, both in doing the commandments thereof, and in suffering the curse thereof, which was due to us because of our disobedience.

We believe, that that righteousness, whereby we are justified before God, is not inherent in us, but in Jesus Christ ; and that it is freely given to us of Gods free grace, through our faith in Jesus Christ.

We believe, that we are justified by faith, as it is an instrument apprehending and applying the righteousness of Christ to us, and not as it is a quality and vertue inherent in us ; so that the meritorious cause of our justification is not in the faith which apprehendeth, but in the righteousness of Christ be faith apprehended.

We believe, that albeit we be not justified by good works before God, and can merit nothing at Gods hand ; yet they are the way to the Kingdom of God, and are of necessity to be done for obedience to God, for glorifying of his name, for confirming ourselves anent our election, and for good example to others : and constantly we affirm, that faith, which bringeth not furth good works, is dead, and availeth nothing to justification or salvation.

We believe, that the elect being renewed, are sealed with the Holy Spirit of promise, in such sort, that albeit they bear about in their flesh the remnants of that original corruption, and albeit they offend through infirmity, and through the intifements thereof sin grievously to the great offence of God: yet they cannot altogether fall from grace, but are railed again through the mercy of God, and kepted to salvation.

Concerning the certainty of our salvation, we believe, that every one of us in particular ought to be fully persuaded thereof, giving credit both to the external promise of the Word, and internal witness of the Spirit. And as for the doubtings thereof, which we often find in ourselves, we doe not allow; but contrariwise damne them, as the fruits of the flesh fighting against our faith.

We believe, that God has appointed his Word and Sacraments, as instruments of the Holy Ghost to work and confirm faith in man.

We believe, that the Word of God ought to be preached and the Sacraments administred, and all divine service, as praying and prailing, in all languages known and understood by the people.

We believe, that the Sacraments are certain visible seals of Gods eternal covenant, ordained be God to represent unto us Christ crucified, and to seal up our spiritual communion with him.

We believe, that the Sacraments are to be ministred only be them, who are lawfully called thereto be the Kirk of God.

We believe, that the Sacraments have power to confirm faith, and conferr grace, not of themselves, or ex opere operato, or force of the external action; but only by the powerfull operation of the Holy Ghost.

We believe, that there be only two Sacraments, appointed by Christ under the New Testament, Baptisme, and the Lords Supper.

We believe, that Baptism is necessary to salvation, if it can be orderly had: and that, therfor, not the want of it, but the contempt of it doth damne.

We believe, that Baptism sealeth up unto us the remission of all our sins, whereof we are guilty, either before or after our baptism.

We believe, that Baptism is to be ministred simply in the element of water, with the rite of dipping, washing, or sprinkling, in the name of the Father, Son, and Holy Ghost, according to Christs institution, without other elements or sacramental rites devised be men.

We believe, that the Lords Supper is to be given to all communicants, under the elements of bread and wine, according to Christs institution.

We believe, that the elements of bread and wine in the Lords Supper, are not transubstantiated, or changed in the substance of the body and blood of Christ; but that they are sacraments of his body and blood, thus changing their use, but not their substance.

We believe, that the body and blood of Jesus Christ are truly present in the holy Supper, that they are truly exhibit unto us; and that we in very truth doe participat of them, albeit only spiritually and by faith, not carnally or corporally.

We believe, that the Lords Supper is a commemoration of the sacrifice of Christ, which once offered did fully expiat our sins. With his one sacrifice, once offered, we are all fully content, neither doe we seek any other expiatory or propitiatory sacrifice. But as for sacrifices of praise and thanksgivings, the sacrifice of a contrite heart, almes and charitable deeds, these we ought daily to offer, as acceptable to God in Christ Jesus.

We believe, that the sacrifice and merit of Christ is not applyed to us, by the work of a sacrificing Masse Priest; but by that faith, which is wrought in our souls by the Holy Ghost, whereby the sacrifice and merit of Christ is applyed to us; and being applyed to us becometh our satisfaction, attonement and merit.

We believe, that souls of Gods children, which depart out of this life in the faith of Jesus Christ, after the separating from their bodies, immediately pass into heaven, and there rest from their labours untill the day of judgment, at which time they shall be reunited with their bodies, and enjoy life everlasting with Christ: Likeas the souls of the wicked immediately pass to hell, there to remain till the day of judgment, which day, being conjoined with their bodies, they shall sustain the judgment of everlasting fire: and besides these two, a third place for souls we doe not acknowledge.

We believe, that there is an holy catholick or universal Kirk, which is the holy company of all these, who, according to the purpose of Gods eternal election, since the beginning of the world, were called, and, to the end of the world, shall be called to the Kingdom of Christ, and to the communion of eternal life in him.

We believe, that the true members of his Kirk are only the faithfull, who are chosen to life everlasting.

This Kirk we believe to be but one, and that out of it there is no remission of sins to salvation.

We believe, that this Kirk is partly triumphant in heaven, partly militant on earth. The whole militant Kirk on earth is divided in many and diverse and particular Kirks, which are visible and conspicuous to the eyes of men.

We believe not, that all these particular Kirks on earth are pure, but these only which continue in the doctrine of the Prophets and Apostles, according to the holy canonical Scripture, worshipping God purely, and ministering the Sacraments according to the same. And these be the true marks, whereby a true visible Kirk on earth may be discerned and known.

As concerning the worship of God, we confess and affirm, that all religious worship and service is only to be given to God, as his proper due and glory, which he will communicat to no other; believing firmly, that God is to be worshipped only according to his own will, revealed in his Word.

And, therfor, we abhorre all will worship, all invocation of Saints or Angels, all worshipping of images, crucifixes, relicts, and all other things which are beside the true God.

We believe and confess, that God hath ordained Kings, Princes, and Magistrates, for the good of Commonwealth, for the better governing in the Kirk, and to be nurse fathers of the same: And, therfor, that all their subjects are bound in duty to obey them in all things they command lawfully, not repugnant to the will of God; and that they are obliged to pray for them daily, that under them they may lead a godly and peaceable life.

We believe and constantly affirm, that the Kirk of Scotland, through the abundant grace of our Lord, is one of the most pure Kirks under heaven this day, both in respect of truth in doctrine, and purity in worship: and, therfor, with all our hearts we adjoyn ourselves thereto, and to the religion publickly professed therein by the Kings Majesty, and all his true subjects, and authorized by his Majesties laws; promising be the grace of God to continue therein to the end of our life, according to all the articles which are here sett doun: Which as we believe with our hearts, so we confesse with our mouthes, and subscribe with our hands; understanding them plainly as they are here conceived, without equivocation or mental reservation whatsoever. So may God help us in the great day of Judgment.

A. D. MD.CXVII.

[The General Affembly was indicted by open proclamation, and found of trumpet at the Mercat Crofs of Edinburgh, upon the 4th of November 1617, to be holden at Sanct Andrewes the 25th day of that fame month.

The Erle of Montrose was appointed be the King to be his Commiffioner ; but excufed himfelf with ficknefs by a letter fent to the Counfell four or five dayes before the time appointed for the Affembly. The Counfell fent the copy of the letter to the Bifhop of Sanct Andrewes. The Bifhop returned anfwer, that the Kings fervice muft not be neglected. So the Lords of the Secret Counfell gave commiffion to my Lord Binning Secretar, my Lord Carnegie, my Lord Killyth, the Lord Advocat, and the Treafurer Deputy, conjunctly, or to any three of them, to fupply his place.

After the reading of the Kings letter, wherein he willed them to conform to his defire, otherways declared he would ufe his own authority ; the brethren of the Conference were chofen. There was fome reasoning ; but the King and Bifhops purpofe was withftood, both in the Privy Conference and in the publick Affembly. The Bifhop defired that fome brethren might be appointed to confider what fhould be granted to give his Majefty fatiffaction. Mr Patrick Galloway and four others were appointed for this purpofe. They devyfed thefe overtures following.

If any good Chriftian, vifited with long ficknefs, and known to the Paftor, by reafon of his prefent infirmitie, unable to refort to the Church, for

receiving of the holy Communion ; or being sick shall declare to the Pastor upon his conscience, that he thinks his sickness to be deadly, shall earnestly desire to receive the same in his house, the Minister shall not deny the same ; so as lawful warning be given to him, at the least twentie hours before, and that there be six persons at least of good religion and conversation, free of lawful impediment, present with the sick person to receive ; who must also provide a convenient place in his house, and all things necessary for the Ministers reverent administration thereof, according to the order prescribed in the Church.

To remeedy the irreverent behaviour of the vulgar sort, in receiving the holy Communion, it is found meet by this Assembly, that the minister himself shall in the celebration give the elements out of his own hand to every one of the Communicants, saying, when he giveth the bread, Take, eat, this is the bodie of the Lord Jesus Christ which was broken for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And when he giveth the cup, Drink, this is the blood of Jesus Christ shed for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And to the end the Minister may give the same the more commodiously, he is by advise of the Magistrates, and honest men of his Session, to prepare a table, at the which the same may be conveniently ministered, and gravely to exhort his people, that they communicate reverently, and shew a humble and religious behaviour in the receiving of the same.

Anent the remanent of the Articles proponed to the Assembly, the Assembly after long reasoning, in special anent preaching upon the dayes of the Nativity, Passion, Resurrection, Ascension of our Lord, and descending of the Holy Spirit, having considered, that a great number of Commillioners from Synods, Burrowes, and Gentlemen, in respect of the season of the year, distance of the place, and shortness of the advertisement, would not be present ; and that the most part of those who were assembled, are not resolved fully in some of these points proponed ; and that they are in all loyalty and obedience most willing to give his Majesty all satisfaction, and have agreed and promised to inform themselves anent the said Articles, wherof they presently stand in doubt, and to instruct their people, elders and parishoners by all means, that all offence, which may be taken, may be removed, have thought good, that (beside the two points, which are con-

cluded, especially to give remonstrance to his Majesty of their most willing affection) the rest of the said Articles shall be continued to the next Assembly; and to that effect, that a most humble supplication may be directed by his Majestys Commissioners, and the General Assembly, that it may please his Majestie of his gracious favour to grant a continuation, and to convocat an Assembly for decision of the matters, at such commodious times as his Majesty shall think expedient.

A. D. MDCXVIII.

The General Assembly holden at Perth the 25 of August 1618 :
Where, for obedience to His Majesties Proclamation, and particular Missives, the following persons convened.*

His Majesties Commillioners, My Lord Binning Secretary, Lord Scoone, Lord Carnegie ; their Assessors, Sir Gideon Murray, Treasurer Deput, Sir Andrew Kerr of Fernihirst, Captain of the Guard, Sir William Oliphant, the Kings Advocat, and Sir William Livingstoun of Kilsyth : Noblemen, the Erle of Lothian, Lord Vchiltrie, Lord Sanquhar, Lord Boyd : Barones, Wauchtoun, Lutquharn, Glenurquhart younger, Clunie-Gordoun, Bonytoun-Wood, Weemes, Balvaird, Balconie, Balcarras, Balmanno, Bombie, Blackbarronrie, Lagg : Burgesses, for Edinburgh, David Aikenhead, George Foules ; for Perth, James Aedie, Constant Malice ; for Dundie, Mr Alexander Wedderburn younger, Robert Clayhills ; for Aberdeen, Mr John Mortimer ; for Stirlie, Christopher Alexander ; for Sanct Andrewes, John Knox, Thomas Lentrone ; for the Univerlitie of Sanct Andrewes, Doctor Bruce ; Bishops, all except Argyle and Isles ; Ministers, Commillioners from Presbyteries.

In the morning, Patrick Bishop of Aberdeen preached a sermon upon Ezra vii. 23. Whatsoever is commanded by the God of heaven, let it be diligently done for the house of the God of heaven : for why should there be wrath against the realm of the king and his sons. The other sermon at

* The proceedings of this Assembly have been taken from Bishop Lindsay's "True Narration," &c. ; and from Calderwood's "Perth Assembly," and his printed and manuscript Histories.

ten hours was preached be John Archbishop of Sanct Andrewes, in the Little Church, on 1 Cor. xi. 16. But if any man seem to be contentious, we have no such custom, neither the churches of God.

The Sermon ended, the Archbishop of Sanct Andrewes came to the Table, at which his Majesties Commissioners, Noblemen, and other members of the Assembly, were sitting, and placed himself at the head of the table, in the Moderators chair beside his Majesties Commissioner.

After prayer, the Archbishop calling for the ordinarie Clerke of the Assembly, was answered, That Master Thomas Nicholson, who formerly served the Church in that place, had demitted his office in favour of Master James Sandelands Aduocate: This he notified to the Assembly, as that which he had vnderstood before, and shewed that the said Master James was a man sufficiently qualified for the place, of good report, and one that by his education and pleading might further the particular businesse of Ministers before the Session. He desired the Assembly to consider what was fittest to bee done, and aduise whether they would receiue the said Master James in the others place or not: The voyces of his Maiesties Commissioners, the Noblemen, Bishops, and diuers of the Ministers being asked, they all without exception agreed to his receiving. And the said Master James being recalled (for while the voyces were asked, he was remoued) had an oath ministred vnto him, for his diligent and faithful discharge of that seruice.

The said Master James Sandelands being admitted, command was giuen to all that had interest in the said Assembly, to giue in their commissions to him before the next sitting; and nomination was made of certayn for the Conference, according to the order kept in other Assemblies; in which besides the Bishops, Noblemen, Barons, and Commissioners of Burrowes, the most wise and learned of the Ministrie were named indifferently, without any respect had of their opinions and priuate inclinations.

At this time it was moued by Mr George Grier, Minister at Hadingtoun, That the libertie of the Church might bee kept in the choosling of a Moderator; which the Archbishop of Sanct Andrewes repressed, saying to the proposer, That he did not expect him to be a trowbler of the Church, and the businesse thereof; and that the Assembly was met within the bounds of his charge, wherein so long as he serued, he trusted none would usurp; at which he kept silence: and streight wayes arose another, who asked whether all the Noblemen and Barons present should have voyce, or

not, and if the whole Ministers that were met there, should haue voyces also: The Archbishop of Sanct Andrewes answered, that the order obserued in former Assemblies should here be kept, and no Ministers haue voyce that lacked a commillion: But as for Noblemen, and Barons who were come thither vpon his Majesties misliues, he trusted none there would denie them voyce, specially since in the Assembly that proceeded at Sanct Andrewes, it was one of the reasons they made for differring the conclusions of matters, That none of the Noblemen, or Barons were then present to assist the proceedings of the Church.

It was desired also, that the Articles to bee entreated, might bee extended in such forme, as his Maiestie desired them to passe, and that some might be set apart to collect the reasons that should be proponed, for, or against the Articles, that the whole Assembly might haue the cleerer information. To this it was answered, that the Conference was to consider of these things, and what might serue best to prepare matters for the whole Assembly.

The Archbishop commanded his Majesties letter which was presented by Doctor Young Deane of Winchester, and directed to the Assembly, to be publickely read: The Tenor whereof followeth.

James Rex,

Right reuerend Fathers in God, Right trustie Cousins, and Counsellors, and others our trustie and welbeloued subiects, We greet you well: Wee were once fully resolved, neuer in our time, to haue called any moe Assemblies there, for ordering things concerning the policie of the Church, by reason of the disgrace offered vnto Us in that late meeting at Sanct Andrewes, wherein Our iust and godly desires were not onely neglected, but some of the Articles concluded in that scornfull and ridiculous forme, as we wish they had been refused rather with the rest: Although at this time We suffered ourselfe to be intreated by you our Bishops, for a new Conuocation, and haue called you together, who are now conuened for the selfe same businesse which then was vrged; hoping assuredly, that you will haue some better regard of our desires, and not permit the unruly and ignorant multitude, after their wonted custome, to ouerfway the better and more judicious fort; an euill which we haue gone about with much paines to haue amended in these Assemblies, and for which purpose according to Gods ordinance, and the constant practise of all well governed Churches in all ages, Wee haue placed you that are Bishops and ouerseers of the rest in the

chiefest roomes. You plead much, Wee perceiue, to haue matters done by consent of the Ministers, and tell Us often, that what concerns the Church in generall, should be concluded by the aduise of the whole, neither doe Wee altogether dislike your purpose : for the greater consent there is amongst your selues, the greater is Our contentment. But Wee will not haue you to thinke, that matters proponed by Us of that nature, whereof these Articles are, may not without such a generall consent be enjoined by Our authoritie : This were a misknowing of your places, and withall a disclayming of that innate power, which We haue by our calling from God, by the which Wee haue place to dispose of things externall in the Church, as Wee shall thinke them to be conuenient, and profitable for aduancing true Religion amongst our Subiects. Therefore let it be your care by all manner of wise and discrete perswasions to induce them to an obedient yeelding vnto these things, as in dutie both to God, and Vs, they are bound : And doe not thinke, that We will be satisfiied with refuses, or delayes, or mitigations ; and We know not what other shifts haue beene proponed : for Wee will content Ourselues with nothing, but with a simple and direct acceptance of these Articles in the forme by Vs sent vnto you, now a long time past ; considering both the lawfulnessse, and vndeniable conueniencie of them for the better furthering of pietie and religion amongst you. And it should haue rather becommed you, to haue begged the establishment of such things of Vs, then that Wee should thus neede to be put to vrge the practise of them vpon you. These matters indeede concerneth you of the Ecclesiasticall charge chiefly. Neyther would Wee haue called Noblemen, Barons, and others of our good Subiects, to the determining of them, but that Wee vnderstand, the offence of our people hath beene so much objected ; wherein you must beare with Vs to say, That no Kingdome doth breed, or hath at this time, more louing, dutifull, and obedient subiects, then Wee haue in that our native Kingdome of Scotland ; and so if any disposition hath appeared to the contrarie, in any of them, the same We hold to haue proceeded from amongst you : Albeit of all sorts of men, yee are they, that both of duetie were bound, and by particular benefits obliged, to haue continued yourselues, and by your sound doctrine and exemplarie life, kept others in a reuerend obedience to our commandements. What, and how many abuses were offered Vs by many of the Ministrie there, before our happie comming to this Crowne, though we can hardly quite forget, yet Wee little like to remember. Neither thinke We, that any Prince

living could haue kept him selfe from falling in vtter dislike with the Profession it selfe, considering the many prouocations that were giuen vnto Vs; but the loue of God and his truth still vpheld Vs; and will by his grace so doe vnto the end of our life: Our patience alwayes in forgetting, and forgiuing many faults of that sort, and constant maintaining of true Religion against the aduersaries (by whose hatefull practises We liue in greater perill then you all, or any one of you,) should haue produced better effects amongst you, then continuall resistance of our best purposes. Wee wish Wee be not further prouoked, and Gods truth, which you professe, of obedience vnto Principalities and Powers, bee no longer neglected, and slandered by such as, vnder the cloake of seeming holinesse, walk vnruely amongst you, shaking hands as it were, and ioyning in this their disobedience vnto Magistracie, with the vpholders of Poperie. Wherefore, our heartie desire is, that at this time you make the World see by your proceedings, what a dutiefull respect and obedience you owe to Vs, your Soueraigne Prince, and naturall King and Lord; that as Wee in loue and care are neuer wanting vnto you, so you in an humble submission vnto our so iust demands, be not found inferiour to others our subiects in any of our Kingdomes; and that the care and zeale of the good of Gods Church, and of the advancing of Piety, and Truth, doth chiefly incite Vs to the following of these matters; God is our Witnesse: The which, that it may be before your eyes, and that according to your callings you may striue in your particular places, and in this Generall Meeting, to do these things which may best serue to the promoting of the Gospel of Christ, euen our prayers are earnest vnto God for you: Requiring you in this and other things to credit the bearer hereof, our trustie Seruant and Chaplaine, the Deane of Winchester, whom We have expressly sent thither, that he may bring vnto Vs a true relation of the particular carriages of all matters, and of the happie cument of your Meeting, which by Gods blessing (who is the God of Order, Peace and Truth) Wee doe certainly expect; vnto whose gracious direction Wee commend you now and for euer.

Giuen at Theobalds, the 10 Julij 1618.

This Letter being once read, and again: The Archbishop protested that neither he, nor the Kirk of England had craved these novations, nor given counsell thereanent, and it was against his will that ever they were mentioned; yet that now he is perswaded, that his Majestie will be more glade

of the consent of this Assembly to the five Articles, than of all the gold of India.

The Archbishop then desired Doctor Young to speake, if so hee had any thing to say for seconding the Letter, whereof he was Messenger. And his words were these that followes.

Most Honorable, most Reverend, right Worshipfull, and dearly beloved : It might well become me, according to the example of Elihu in the Historie of Job, in presence of so wise, so graue, so religious, and learned an Assembly, to wait in silence till the more ancient in years had spoken : but that I know that the Soueraigne Maiestie of our gracious Lord and Master the King, who hath regarded so much the lowlinesse of his seruant, as to send me vnto you at this time, to be the messenger of his will and pleasure, now openly read in your ears, will procure attention vnto a few words, which shall be vttered with the vprightnesse and sinceritie of a heart wholly deuoted, as vnto the glory of God, and honour of our great Master the King ; so to the happy, free, and flourishing estate of this Church and Kingdome, vnto which I am tyed by so many strong bands ; that Moses the friend of God, and Paul that chosen vessell of Christ, who are recorded in the holy Scriptures to haue exceeded in their affection to the people of Israel, their deare countrey men, did not in that owe more vnto them, then that which you all wel know I owe vnto you ; and would to God I were as able to pay so iust a debt, as I am, and euer shall be most ready and willing to acknowledge it ; *Hic amor meus pondus meum* : for from this loue and dutie I owe vnto this place of my first and second birth, (God hee best knowes) how the sorrowes of my heart haue bin enlarged, since the time of the last Generall Assembly at Saint Andrewes, to hear such words of indignation and iust displeasure, so often to proceed out of the mouth of so good and so gracious a Prince, like Moses the meekest man vpon the face of the earth : *Sed verendum etiam atque etiam quo exeat patientia tam saepe laesa* : Words spoken against these that are called to be Ministers, Embassadors of peace, and patternes of pietie and obedience ; vttered in the ears of them, who labour indeed, as it becommeth so loyall and louing subiects, by their humble and dutifull obedience vnto his sacred Maiestie, to outstrip those that went before them ; and albeit they haue the last, yet not to haue the least portion in our Davids loue. But as then with all good and well affected men I much grieued, so now I heartily rejoyce and praise God, that

notwithstanding of all that is past, I haue liued to see this day a Generall Synod once more of the Church of Scotland, called by the authority and expresse command and pleasure of our Soueraigne Lord the King, which is the only true and best meanes indeed, vsed in all ages for extirpating of all Sects, Errors, and Heresies, and for the planting of truth, and good order in the Church of Christ. And I pray God, that all things at this meeting may, by the direction of Gods good Spirit, and by your Wisdomes, be so carryed, that you abridge not your selues and posterity of so great a blessing, and procure that not only these things which are now required, but that other things more difficult bee injoynd and enforced vpon you, vpon striēt penaltie by Supreme Authority. And therefore I desire (as I am sent to that purpose) with the Apostle Titus 3. to put you in remembrance, that you bee subiect to Principalities and Powers, and that you bee obedient, and ready to euery good worke: to put you in remembrance, that, by the great blessing of Almighty God, you haue to doe with so wise, so potent, so religious, so learned a Prince, the matchlesse mirror of all Kings, the nursing Father of his Church; that he whose wisdom and authoritie is, in the composing of all differences both Ecclesiastical and Ciuill, so much required, respected, and admired, not only by his own people of his other Kingdoms, but by all good Christians of forrein Nations throughout the Christian world, may not seeme to be neglected by you his native subiects at home; and you especially of the Ministerie, who ought to be examples and patternes of obedience vnto others, you whom he hath so infinitely obliged by his so great bountie and constant loue: To put you in remembrance, that as with no small disreputation vnto his Maiestie, and diminution as it were of his princely authoritie, in the iudgment and sight of the world, whose eyes are bent vpon these proceedings, he hath granted you so long time, by your Christian and godly endeouours with your severall flockes (whom you are to leade, and not to be led by them) to remove (as you promised both to his Majestie being here amongst you, and againe confirmed at your last Generall Synod,) all those scandalls, which might be taken by the more ignorant and vnaduised sort of your people, to whom all innouations, though to the better, may seeme at the first somewhat strange: so that now you would bee carefull, as much as in you lyeth, to take away that more dangerous and open offence and scandal, which by your delay, and refusall of obedience, you shall cast vpon the sacred person of our Soueraigne Lord the King, the most constant and zealous Protector and Defender of that Faith and Truth, which wee all professe, and for the which

he hath suffered such open gaineſaying of the aduerſaries thereof, the limbes of Antichriſt; as if hee, who hath laboured ſo much to exalt the glorie of this Nation farre aboue all his predeceſſours in the eyes of the World, now going about moſt of all to humble vs vnto our God, and in the performance of the Act of greateſt deuotion, according to his owne example, to bring vs vnto our knees, did in ſo doing any way vrge his ſubiects to any thing, which might fauour of Superſtition or Idolatrie: To remoue the ſcandall from thoſe who are in authority amongſt you, and are ſet ouer you in the Lord, who by their dutifull obedience vnto God, and their Soueraigne, haue alreadie, both by their doctrine and practice, commended thoſe things, which now are required of you, to be both lawfull and expedient: To take away that ſcandall and aſperſion, which by the ſeeming reaſons of your former refuſall, or delay, you haue caſt vpon others ſo glorious reformed Churches, as if the Holy Ghoſt, and Spirit of reformation had bene giuen onely to, and ſolely reſted vpon you: To remoue that notorious and publique ſcandall, which by the fierie and turbulent ſpirits of ſome few priuate men, lyeth heauiſe vpon the ſeruent and zealous Profeſſours of the glorious Goſpel of Chriſt, as if they alſo were diſobedient vnto Magiſtracie, and in this did ſeeme to ioyne hands with the maine vpholders and pillars of Poperie. It hath wounded the ſpirits of good men to hear it often ſpoken, *Nec dicatur (utinam amplius) Gathi, et in plateis Aſkelonis*; nay to ſee it in print, that Herod and Pilate were now reconciled again, if not contra Chriſtum Dominum, yet contra Chriſtum Domini: Laſtly, to preuent that lamentable miſerie and calamitie, which God in his juſtice might bring vpon this Church, in that you regarded not the bleſſed time of your viſitation, and deſpiſed the long ſuffering and great goodneſſe of God, and of ſo bountifull and gracious a Soueraigne. And ſo to conclude, (for to ſtand now vpon particulars were but actum agere, and you need no gleanings after ſo plentifull an harveſt, or the light of a candle being inlightned by the cleare beames of the ſunne,) with that of Naamans ſeruants, 2 Kings 5. vnto their Lord and Maſter: Father, if the Prophet had commanded thee a greater matter, ſhouldeſt thou not haue done it? &c. So, right reuerend Fathers and Brethren in Chriſt, if our moſt gracious Soueraigne Lord, who hath done ſo much for you, had commanded you greater things, ſo long as they might ſtand with the will of God, and in no waies be repugnant vnto the ſame, (for in that caſe indeed, the Apoſtles rule holds inuiolably true, *ὅτι περιπαρχειν θεῷ μᾶλλον ἢ ἀνθρώποις*; that we muſt rather obey God, then men) ſhould you

not have bene readie yourselues, and by your doctrine and praetise haue induced others to obedience? much more then, when he requireth of you but these few necessarie things, necessary and expedient for the glorie of God, for the aduancing of pietie amongst you; for the honour and due satisfaction vnto our Soueraigne Lord the King; for the happy establishing of order, peace, vnion, and loue amongst your selues, and in these vnited Kingdomes. Therefore let me beseech you in the bowels of Christ to giue all their due, *Quæ Cæsaris, Cæsari, quæ Dei, Deo.* And as Constantine the Great (as Eusebius hath it) wrote vnto his Churchmen, that troubled his peace and other weightie affaires, with their contentious humours; so let me intreat you in the behalfe of our Constantine, *Qui dum rogat, iubet: Date illi dies tranquillos, et noctes curæ et molestiarum expertes;* that so he may with much ioy and contentment of heart, yet once more, as he proposeth, if not often, vilit your coasts, and those places which his soule loueth; and that this poore Church, and his natieue Kingdome, may be made euer more and more happie by his comming, and long, peaceable, and prosperous reigne: And God and men say Amen vnto it. Amen: Amen.

The Ministers defenders of the established order, required four things.

1. That none be admitted to vote, but such as were authorized by lawful Commission. The Archbishop answered, his Majesty had written to Noblemen and Barrones, willing them to be present at this Assembly: If any man had any exception against them, they should be heard. It was replied, that they were not to except against their honorable persons or presence; but earnestly to crave, that the order of the Church might be observed, whereby it is provided, that without Commission none have place to vote in General Assemblies.

2. That the libertie of the Church be not broken in the election of the Moderator, and that a lawful leet be made to that effect. It was answered by the Archbishop, that this Assembly is convocat within the bounds of his Diocie; he would understand, who would take his place over his head.

3. That the Articles, proponed in short and general summes, might be put in forme, and amply extended, as his Majesty would have them enac'ted, that they be the better advised on and considered. The Archbishop answered, let alone these toys, trouble us not with needless questions; we shall speak of these things in the Privie Conference.

4. That some of either opinion may be fet apart to collect, and put in order the reasons of either side, for the more sure and easie information of the Assemblie. The Archbishop rejected this also, as impertinent.

The Archbishop proceeded to the nomination of the Privie Conference, before that the Clerk had received the Commissions.

There was chosen to be upon the Privie Conference, the Kings Commissioners, and Assessors, the Erle of Lothian, the Lord Ochiltry, the Lord Sanchar, the Lord Boyd: Barons Waughton, Weymes, Balcolmie, Bogie, Clunie, Glenvrquhart, Balcarras, Lagge, Balmanno, Bonintoun: Ministers, Mr Patrick Galloway, Mr Henry Blyth, Mr John Weymes, Mr George Grier, Mr John Carmichael, Mr William Scott, Mr Alexander Gladestanes Archdean of Sanct Andrewes, Doctor Philip, Doctor Strang, Doctor Bruce, Mr John Hay Parson of Ranfrew, Mr Thomas Muirhead, Mr Michael Wallace, Mr Thomas Ramfay, Mr James Knox, Mr Robert Henrison, Mr John Guthrie, Mr John Malcolm, Doctor Forbefs, Mr George Dowglafs, Mr Patrick Dumbar, Mr James Bishop, Mr George Chalmers, Mr James Simson, Mr Robert Sommer, Mr David Lindsay, Mr David Monro, Mr Archbald Moncrieff, Mr James Burdoun, Mr John Mackenzie, Mr John Mitchelson, Mr Patrick Shaw, Mr James Hammilton Dean of Glasgow, Doctor Hammilton: The Commissioners of Edinburgh, Perth, Dundie, Aberdeen, Glasgow: And all the Bishops.

After the said nomination, the Conference was appointed to convene at three afternoon; and the Assembly at eight hours to-morrow morning.

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[Tuesday at afternoone.]

The Conference convened at three afternoon. After Prayer, the Kings Letter was read againe. Then the Archbishop requested them to consider, by what means matters might most easily be brought vnto a point. He said that there appeared but two wayes: One whereof was by disputing the Articles, which was likely to consume a long time, and breed irritation, rather than any contentment else: The other was by a calme and wise consultation to consider how the said Articles might be receiued in all the Churches with least offence, and conclude the same; specially since they

had promised in the last Assembly to resolve themselves and others, of the equitie of the points required ; and which they like best, he desires them to choose.

He affirmed, that four Articles were already concluded in the Assemblies holden last at Aberdeen, and Sanct Andrewes, howbeit not in forme as his Majesty required ; and that kneeling only rested to be consented to. To prove his allegiance, a minute was read, containing the points conferred on at the places foresaid, and no farther evidence was produced. He added that his Highness altogether refused the cautions and conditions added by the said Assemblies, as frustrations of his intention. He affirmed his Majesty was still offended at the Assembly holden at Sanct Andrewes : for removing of that offence, he would have had the Article of kneeling put to voting in the Conference without reasoning.

The greater part esteeming, that such as were contrary minded, would never receive satisfaction, vnesse matters were first reasoned ; and that it should bring a sore imputation vpon the Assembly to conclude any thing, which had not been first debated by arguments, vrged the disputing of the Articles, which was of the rest condescended vnto. Then it being proposed, if they would take the said Articles in order, or beginne with the most controverted, they agreed vniformly to treat of kneeling at the receiuing of the holy Sacrament in the first place, hoping that satisfaction being giuen in that Article, the lesse scruple should be made to the rest.

So according to the order, two were named to dispute that Article, to wit, Doctour Henrie Philip and Doctour William Forbes for the one side ; and Master William Scot and Master John Carmichael for the other : These two last named, after a graue protestation made of their unwillingnesse to be heard opposing to any matter, for the which his Maiestie seemed so earnest, excused themselves by the necessity of the commandment, and their owne resolutions, which they held to bee well grounded, wishing that no offence might be taken at their speeches, which they should be carefull of, and say nothing but with that reuerence which become them in so honourable an hearing. And then adding, that the contrary order had beene long kept in this Church with great profit, and the comfort of many good Christians : if now any would preasse to abolish that which had been in force, and draw in things not yet receiued, they bee holden to prooue, eyther that the things vrged were necessary and expedient for our Church ; or the order hitherto kept, not meet to be retained. And for this purpose

they alleadged a passage of Master Hooker, in his Preface before the Bookes of Ecclesiasticall Policie, wherein hee craues, that such as seeke the reformation of Orders Ecclesiasticall in the Church of England, should content themselues with the opponents part, and be subiect to prooue these two things mentioned. It was replyed, that the difference of their case and ours was great : for there a few priuate men desired the Laws publickely established to bee inuerted, and it was good reason, that such should bee put to their confirmation of what they proponed : but heere the Prince, that by himselfe had power to reforme such things as were amisse in the outward policie, required to haue the change made : and therefore it concerned them to bring reasons, why his Maiesties propositions ought not to bee granted. This they declined for a great while, still protesting the reuerence they beare to his Maiesties commandments ; and without mentioning that which they would not oppose in Theli, they wished this question to be reasoned : Whether kneeling, or sitting at the Communion were the fitter gesture.

It was answered, that the question could bee no other wayes proponed then thus : His Maiestie desires our gesture of sitting at the Communion to be changed into kneeling : Why ought not the same to be done ? If it could bee shewed by the Word, or by any necessary consequent deduced out of the same, that his alteration craued, ought not to bee granted, because impious or vnlawfull, that should be enough humbly to decline the desire : and if otherwayes they could bring no argument to the contrary, a necessitie lay vpon vs to obey.

An houre or more was spent in such speeches, they declining still to giue any argument, and offering themselues to answer such reasons, as any man would propone for the alteration desired : whereupon the Archbishop of Saint Andrewes said, that if none would reason, he would put the Articles to voyces.

Then they proponed, that reasoning should bee publicke, and in face of the whole Assembly : It was replyed, that nothing should be in Conference concluded to the preiudice of the Assembly ; alwayes matters must first be brought to some point in the Conference, and thereafter proponed to the whole number, who should be heard to reason of new, if he listed.

Hereupon they resolved to fall into dispute, and first, Master John Carmichael brought an argument from the custome and practice of the Church of Scotland, which had beene long obserued, and ought not to be altered,

except the inconuenience of the present order were shewed, and the desired gesture qualified to bee better. It was answered, that howeuer the argument held good against the motions of priuat men, yet his Maiestie requiring the practice to be changed, matters behoued to admit a new consideration; and that because it was the Prince his priuiledge, that had the conseruation and custodie, as well of the Church, as of the Commonwealth, to call in question Customes and Statutes which he perceiued to breed any inconuenience in the state, euen by himselfe, it could not bee denyed, that in a Church Asseembly, such as that was, his Maiestie might lawfully craue an innouation of any Church Rite, which hee esteemed not to be conuenient for the time.

From this argument, they went to another of Christ and the Disciples sitting at the first institution; in discussing whereof, they were brought to acknowledge the gesture not to bee of the essence of the Sacrament, but alterable at the discretion of the Church: Only they held the custome formerly receiued to bee the better.

This was the proceeding of the first Conference, wherein because matters could not be brought to any point, continuation was made to the morrow after, and they warned to meete again at eight of the cloke in the morning.

Wednesday the 26 of August.

The Conference being met as was appointed, after inuocation of the Name of God, the Reasoners were desired to proceed where they had left the night before, and not to trifle time with speeches of small consequence. The reasoning continued from eight vnto eleuen of the cloke. And when the whole reasons proponed by the two forenamed, were in the iudgement of all men satisfied; others were required, and had place giuen them to propone their arguments also, which was done in good order, and with such modestie as could be wished.

The Archbishop desired these of the Conference, to giue their iudgement in the matter reasoned. They opponed, that the custome was not to vote in Conference any matter, before it were brought to the full Asseembly; but it was proued otherwise by these who had frequented the Asseemblyes, both of old and in the latter times; as likewise it was told them, that these

Conferences resembled the meeting of the Lords of Articles in Parliament, where matters are accustomed to bee prepared and put in order, before they bee proponed to the whole State: and that the voting in Conference was by way of aduice onely, and not to determine; the power whereof belonged onely to the Affembly. This being acknowledged by the whole number to bee so, they offered that were present, to giue their owne iudgement without preiudging the Affembly; as accordingly they did: The whole number, some ten or eleuen excepted, declaring that by the reasons proponed, or any thing else they conceiued, they could not deny, but a change might bee made of the gesture in receiuing the holy Sacrament; and that it seemed conuenient for the Church to embrace the Article proponed by his Maiestie about kneeling, in regard of his desire and resolution to haue the same forme here established.

After the aduice concluded to bee giuen to the Affembly in this point, it was thought meet, that the Article presently reasoned, with the other Articles proponed by his Maiestie, should all of them be formed in the best and most agreeable words that could be deuised, for remouing all offence that might bee taken at the same, and no aduantage giuen to the aduersaries of the Truth: and to this effect were named some graue and wise Brethren, who were desired to haue the same in readinesse at four of the clocke in the afternoone; it being thought meet, that the full Affembly should not meet before Thursday again, at which time all might be prepared.

Wednesday at afternoone.

Albeit the meeting of the full Affembly was deferred to the next day, yet that afternoone, the whole number thronging in, whether that they were not aduertised of the delay, or that they desired to bee present with the Conference, came thither; which the Archbishop perceiuing, he tooke occasion to excuse the delay of meeting with them, declaring how farre they had proceeded, and that the Conference had committed the Articles to bee formed vnto certayne Brethren, who were at that time to present them; and therefore desired they should haue patience till the morrow, and leaue the Conference for that time by themselves, which they did.

How soone they were remoued, these who were appointed to forme the Articles, being inquired what they had done, answered, That they had

formed the Article about kneeling, but had no leifure to confider of the rest: This being read, which they had put in forme, was well liked of, and they required to haue the rest in readinesse at the time of the Assemblies meeting the next day.

The rest of that afternoone was spent in the deuising of some overture for the restraining of Simony, to bee proponed to the whole Assembly, which the next day after was by vniuerfall consent allowed: As likewise, the Commillion for the planting of the Church of Edinburgh; and the forming of the Booke of Common Prayers; and extracting of the Canons of the Church. And thus ended this Conference.

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Thurfday the 27 of August.

That day being an ordinary day of preaching, a Sermon was made by the reuerend Father in God William late Bishop of Galloway.

The Assembly being met in full number, to take some conclusion in the businesse, for which they were conuened, after inuocation of the Name of God, it was declared vnto them, that by the labours of the Conference in their private meetings, the Articles proponed by his Majestie were brought and reduced into that forme, as it rested for the Assembly to consider, whether or not the same should be receiued in our Church; and to moue them the rather to condescend, his Maiesties resolution to haue the Articles receiued, was declared, and how no other answere could satisfie, but granting of the said Articles. They were likewise remembered of their promises made to his Maiesties selfe at Saint Andrewes, and in the last Generall Assembly, and had the lawfulnessse, and indifferencie of these matters at length of new expounded vnto them; neither was any of their common pretexts left vnanfwered, place being giuen to all that would reason against any one of the Articles, to doe the same. And while some of them insisted by long speeches to haue a continuation made of matters to another Assembly, and a supplication sent to his Majestie for some longer delay, his Highnesse Commillioners hauing vrged a present answere, they were desired to cease, and not to trifle time with vnecessary speeches, seeing matters should receiue decision before they went forth of doores.

Doctor Lindsey his answert, being posed on conscience to declare his

iudgement touching kneeling at the Sacrament, was this, On my conscience I neither know Scripture, reason, nor antiquitie, that enforceth kneeling, fitting, standing, or passing, as necessary; but thinke them all indifferent: and therefore, that any of them may bee lawfully vsed, when it is found expedient. And considering nothing to be more expedient for the weale of our Church, then to keepe peace with our gracious Soueraigne, and not to contend for such matters, I iudge, yeelding to his Highnesse desire to bee the onely best.

The Ministers with modest importunity insisted, that the matters depending might be better cleared by farther reasoning and advisement, so much the rather because these matters had not been reasoned in full Assembly, for the information of all these that had interest. And suppose all this had been done in the Conference; yet all was new to the full Assembly, and ought to be repeated and fully discussed for information of all voters. Many Ministers had not so much as access to hear or propone one argument. They had no seats provided for them as the other party had. After much dealing, and many earnest speeches and desires to be heard, liberty was granted to a few, but with such checks and limitations to the party that pressed to propone and reason, that quickly they were cut off, and fourly rebuked; rather borne down with authority, than satisfied with reason. His Majesties chief Commissioner, Secretary Hamiltoun, and the Archbishop straitly enjoyned them, either to propone a new reason, or else to hold their peace, when as the argument had either not been proponed in Conference, or if proponed not answered; or if answered, not suffered to be replied to. In a word, the Archbishop professed plainly, that neither their reasons nor their number should carry away the matter. These Articles must be concluded, and should be concluded; although there were none but the eleven Bishops, with the authority of his Majesties Commissioners, they shall impose them. Some velitation there was about holy dayes; but nothing spoken of the three other Articles. The Kings chief Commissioner and the Bishops resolved to end all at this Session.

The Ministers not being permitted to reason, and pursue their arguments verbally with such liberty as was requisite, and fearing prejudice in voting, gave in some Articles in writt, to be considered before the five Articles were put to voting, professing they were ready to present in writt particular reasons against every one of the said Articles. The presenter Mr John Scringeour Minister at Kinghorne was commanded to subscribe them, and

was rebuked as not having Commillion. They suspected he was to present a Protestation against the proceedings of the Assembly; for preventing whereof they had declaimed before against the Protestation, subscribed at the last Parliament, as treasonable and seditious. But when he was perceived to seek a pen to subscribe, the Archbishop received them out of his hands, and desired the Clerk of the Assembly to read the same. Two of them were read, and when they were perceived to contain no matter of moment, or any new thing, which had not been before talked of, they were cast by, as not deserving any consideration.

The Articles presented to the Assembly, August 27. With some quotations, added for confirmation.

For as much as we have been debarred of access, and from hearing the proceedings of the Conference, their reasonings, consultations and advicements, anent the Articles proponed to this General Assembly; whereof all, and every one of them so nearly touches vs, in our Christian resolution, and offices of our Ministry: in most humble manner wee present to your consideration the particulars hereafter specified, in the feare of God, intreating your favourable answer to the same.

1. The articles proponed, if they be concluded, they doe innouate, and bring vnder the slander of change the estate of this Church, so aduisedly established by Ecclesiasticall Constitutions, Acts of Parliament, approbation of other Kirks, and good liking of the best reformed Kirks without and within this Kingdome, and so evidently blessed with happy successe, and sensible experience of Gods greatest benefits, by the space of fiftie eight yeares and aboue; so that wee may boldly say to the praise of God, That no Church hath enjoyed the truth and puritie of Religion in larger libertie. And vpon some such considerations, it pleased his gracious Maiestie to continue the Church of England in her established estate, as may bee seene in the Conference at Hampton Court, and Thomas Sparke his booke written thereupon. *Ipsa quippe mutatio, etiam quae adiuuat vtilitate, nouitate perturbat: quapropter quae utilis non est, perturbatione infructuosa consequenter noxia est, saith Augustine, Epist. 118. that is, Euen a change that is helpefull for vtilitie, perturbeth with the noueltie: Wherefore, consequently, a change that is not profitable, is noysome through fruitlesse per-*

turbation. Rather a Church with some fault then still a change, it is said in the Conference at Hampton Court.

2. The receiuing againe of these Articles so iustly reiectēd, and so carefully and long kept forth of this Kirk, griueth the reformed Professours tenderly affected to our reformation, and giueth occasion to our aduersaries to reprove our separation from them, of rashnesse, leuitie and inconstancie; and not only hindereth their conuersion, but strengthneth their hope of our further conformitie with them. Quoties non mutarunt suam quisque sententiam? Quod aedificant hodie, cras destruunt; hodie lapidem locant in fundamentum, caementoque confirmant, quem postero die eruunt et conterunt. Ubique revocationes, emendationes, novi foetus, aliae atque aliae, quoties nova sententia placet, assertiones: alius deturbat alium, confusio confusio permiscetur; atque interim scinditur incertum studia in contraria vulgus. Nec adhuc cernimus aliud; et quis nisi mente captus dicat, istiusmodi artifices reaedificare Ecclesiam Dei; quibus omnia incerta, fluxa, instabilia, contraria; quibus nulla dogmatum constantia, nulla animorum consensio? Antididagma Coloniens. Pag. 4. That is, How oft have they not changed every one their opinion? That which they build to day, they demolish to morrow: They place this day a stone for a foundation, and make it sure with mortar, which they pull up the day following, and bruisse in pieces. Every where there is revocations, corrections, new births, diverse assertions, as oft as a new opinion pleaseth any of them; one throweth down another; confusion is mingled with confusion; and in the mean time the doubtful vulgar are severed in contrary factions. Neither yet doe we perceive any other thing: And who will say, except such an one is beside himself, that such artificers reedifie the Kirk of God, to whom all things are uncertain, flowing, unstable, contrarious, who have no constancy in the heads of Doctrine, no consent of minds?

3. They cannot stand in one profession with brotherly kindness, peace, and loue, which must bee tenderly kept amongst the members of Christs body, as the same consisteth of stronger and more infirme; as may appeare in the Apostolicall Rules following. 1. All things are lawfull to me, but all things are not profitable. I may doe all things, but I will not be brought vnder the power of any thing. 2. Let every man be fully perswaded in his own minde. 3. Whatsoever is not of faith is sin. 4. Let euery one vnderstand according to sobriety, as God hath dealt to euery man the measure of faith. 5. Take heed, lest by any means this power of yours be

an occasion of falling to them that are weak. 6. Through thy knowledge shall thy weak brother fall, for whom Christ died. 7. When ye sin against the brethren, and wound their weak consciences, ye sin against Christ. 8. Whatsoever ye do, do all to the glory of God. 9. Give no offence, neither to the Jew, nor to the Grecian, nor to the Kirk of God. 10. Please all men in all things, not seeking your own profit, but the profit of many, that they may be saved. 11. Cause not your commodity to be evil spoken of. 12. Let all things be done honestly, and in order. Things indifferent (put the case mans inventions were of that nature) in the case of scandal, cease to be indifferent, and are as things moral. Perkins Gal. 2. 3.

4. They give way to humane inventions, and bring the wrong key there, of mans wit and will, within the house of God, whereby toys and trifling ceremonies in number and force are multiplied, as mens wits are variable to invent. . Who requireth these things at your hands?

5. The admitting of some openeth the doore to the rest, and the multitude of such make vs inferiour to the Jewes in two respects. 1. Their ceremonies were all divine. 2. In number fewer then ritually Christians do observe betwixt the Pasche and the Pentecost. Gerson complayneth, *Quod multitudine levissimarum ceremoniarum vis omnis Spiritus Sancti, quem in nobis vigere oportuit, et vera pietas sit extincta*: That with the multitude of frivolous ceremonies, true pietie was extinguished, and the force of the Spirit, which ought to be epowerfull in vs. Jewel. Apollog. p. 116. *Sed quamvis hoc neque inveniri possit, quomodo contra fidem sunt, ipsam tamen Religionem fervilibus oneribus premunt, ut tolerabilior sit conditio Judaeorum, qui, etiamsi tempus libertatis non agnoverint, legalibus tamen sarcinis, non humanis praesumptionibus subjiciuntur.* August. Epist. 119. **Howbeit it cannot bee found, how they are contrary to the faith;** yet they presse downe Religion it selfe with servile burthens, so that the estate of the Jewes is more tolerable, who, howbeit they did not acknowledge the time of their liberty, are subject notwithstanding to the burthens of the Law, not to the presumptions of man. *Quanto magis accedit cumulo rituum in Ecclesia, tanto magis detrahitur non tantum libertati Christianae, sed et Christo, et ejus fidei.* Confess. Orthod. Cap. 27. that is, The more that the heape of rites and ceremonies in the Kirk increaseth, the more is derogated, not onely from Christian libertie, but also from Christ, and his faith. Learned and graue men may like better of the single forme of Policie in

our Kirk, then of the many ceremonies of the Kirk of England. Epist. before Basilicon Doron.

6. They hinder edification ; for how much time and zeale shall bee spent vpon the inbringing and establisshing of these, as much leifure and opportunity shall Satan get to sow and water the tares of atheism, schisme, popery, and dissention. Consider the sentences following. 1. Let us proceed by one rule, that we may mind one thing. Phil. 3. 16. 2. Let us follow the truth in loue, and in all things grow up in him, who is the head, that is, Christ. Ephes. 4. 15. 3. Give no place to the Devil. 4. If ye be otherwise minded, God shall reveal the same to you. 5. Feed my sheepe. 6. Take heed unto yourselves, and unto the flock. 7. Let no root of bitterness spring up to trouble you. 8. Fulfill my joy, that ye may be like minded, having the same loue, being of one accord, and of one judgement, that nothing be done through contention and vain glory ; but that in meekness of mind every man esteeme other better than himself. 9. Do all things without murmuring and reasoning. 10. It was needfull for me to write unto you, that ye should earnestly contend for the faith which was once delivered to the Saints. 11. While men slept the enemy came, and sowed his tares among the wheat, and went his way.

7. Matters of that nature bring ineuitably with them disputations, divisions, contentions, as may be seen in all Kirks, where such coals of contention get entrie. The Pascha of the Primitive Kirk, the Interim of Germany, the rent of the Kirk of England, our own experience since the strife of the External Gubernation began among us, &c.

8. They bring a sensible blot, either vpon the happie memory of our godly and wise predeceffors, in so farre as wee depart from that reformation, so wisely brought in, appointed and establisshed by them ; or else vpon our selues, by resuming againe of dangerous superfluities, without reason, reiected by them for weighty and necessary causes. *Magnum est hoc Dei munus, quod una et Religionem puram, et eutaxian, Doctrinae videlicet retinendae vinculum, in Scotiam intulistis : Sic obsecro et obtestor, haec duo simul retinete, ut, uno amisso, alterum non diu permanere posse semper memineritis.* Beza Epist. to Mr Knox. This is a great benefit of God, that ye haue brought into Scotland true Religion, and good order, the band that retaineth Doctrine, at one time : So I beseech you and obtest, that you retaine these two together ; so that ye remember, that if the one be lost, the other cannot long endure. And again he saith, *Quam recte*

illud, quod disciplinam simul cum doctrina conjungitis : Obsecro et obtestor ut ita pergatis, ne vobis idem, quod tam multis, eveniat, ut qui in limine impegerunt, progredi non possint ; imo etiam interdum ne velint quidem, quod longe miserrimum est. How well was that done, that yee conioyned doctrine and discipline together. I beseech you, and obtest, that yee goe forward, lest it happen to you, which has befallen to many that could not make a progresse, having stumbled in the very entry ; yea sometime were not willing, which is most lamentable.

9. They set loose the filthy mindes and mouthes of fleshly liuers, to triumph against the most sound and best reformed Professors, and to rejoyce in their rotten opinions, and restored opportunities of sensual oblations of guiling, gluttony, carrells, &c.

10. They are declared by this Church to bee contrary doctrine, as may bee seene in the first, second, and third Chapters of the first booke of Discipline, in these words : We iudge that all doctrine repugnant to the Euangell, should bee vtterly suppressed, as damnable to mans saluation. In the books of the Old and New Testament we affirm that all things, necessary for the instruction of the Kirk, and to make the man of God perfect, are contained and sufficiently exprest. By contrary doctrine, wee vnderstand whatsoever men by Lawes, Councells, or Constitutions, haue imposed on the consciences of men, without the expresse commandement of Gods Word, as keeping of holy dayes commanded by man, the feast of Christmase, and other feasts, &c.

11. The Commissioners of Presbyteries here assembled, sufficiently vnderstand, that neither the Presbyteries, from whom they have their Commission, nor the particular Churches of this Realme, either require, are willing, or consent to admit these novations. *Constituentur Theologi, nil esse per Synodos Ecclesiis invitis obtrudendum.* The Diuines confesse, that nothing should be obtruded vpon Churches by Synods, against their will.

12. The Commissioners of Presbyteries here assembled, vnderstanding the alienation of them, from whom they received their Commission, from these Articles, can by no warrant bind nor oblige their vnwilling Presbyteries and Congregations to their votes. *Ecclesiam dissentientem et invitam obligare quis potest ?* Who can binde a Kirk dissenting and vnwilling ?

13. There stand in force diuerse Acts of Parliament in fauours of our present order, Jacob. 6. Parl. 1. cap. 8. Ja. 6. Parl. 6. cap. 68. and cap. 69. Item, the first Act of the Parliament 1592.

14. The Ministers of this Church, by order of the same printed and inserted before the Psalme Booke, at their admissions respectiue, promise in the presence of God, and of the Congregation assembled, to abhorre and vtterly refuse all Doctrines alledged necessary to saluation, that is not expressly contained in the Old and New Testament; and according to the graces and utterances that God shall grant to them, to profess, instruct, and maintain the purity of the Doctrine contained in the sacred Word of God; and to the uttermost of their power to gainstand and convince the gainfayers, and teachers of mens inventions. Item, To submit themselves most willingly to the wholesome Discipline of this Kirk, by the which they were then called to their office and charge, promising in Gods presence obedience to all admonitions, secretly or publickly given, &c.

15. The Subscribers of the Confession of Faith be their oath therein contained, promise and sweare to continue in the obedience of the doctrine and discipline of this Church, and to defend the same according to their vocation and power all the days of their liues, under the pains contained in the Law, and danger both of body and soul in the day of Gods fearfull judgment: and to abhorre and detest all contrary religions; but chiefly all kind of Papistry in general, even as they are now damned and confuted by the Word of God, and Kirk of Scotland: but in special the Popes five bastard Sacraments, whereof Confirmation is one; with all rites, ceremonies, and false doctrines, added to the true Sacraments without the Word of God; his absolute necessity of Baptism, &c. Which Confession, and practice following thereupon, is come to the eyes of the World in print, and solemnly renewed in the Covenant celebrated in the General and Provincial Assemblies, Presbyteries, and Kirk Sessions, in the year of God 1596. And how shall any man be heard to speak against that whereunto he hath formerly sworn and subscribed?

The Ministers most humbly and earnestly requested the Kings Commissioners, that the concluding of the Articles might be continued, till their reasons were sent in writt to his Majesty, and his answer returned. But their humble request was refused.

Before the roll was called, his Majesties Letter was read againe in open audience of the Assembly; to the end they might see his earnestness about the same matters, and the last impression might incline the voters to consent.

The Ministers, defenders of the established order, required again, that none might have place to vote, but such as were authorized with lawfull Commission. But this order was not admitted: Yea, the Archbishop answered, that if all Scotland were present there, they should vote.

It was desired by some, That the Articles might be severally voted, as many would agree to some of them, who would not accept of all: But it was thought meetest to vote them in cumulo, because the denying of one would be to his Maiestie, as the denying of all.

The Archbishop took the roll of the names in his own hand from the Clerk. First, were called the Kings Commissioners and the Assessors; then the Noblemen, Bishops, and Barons; then the Doctors and Ministers; and last of all the Burgeses.

In end, by plurality of votes the five Articles were concluded.

1. Seeing we are commanded by God himself, that when wee come to worship him, we fall down and kneel before the Lord our Maker; and considering withall, that there is no part of divine worship more heavenly and spiritual, then is the holy receiving of the blessed body and blood of our Lord and Saviour Jesus Christ; like as the most humble and reverend gesture of the body, in our meditation and lifting up of our hearts, best becometh so divine and sacred an action: Therefor, notwithstanding that our Kirk hath used, since the Reformation of Religion, to celebrate the holy Communion to the people sitting, by reason of the great abuse of kneeling used in the idolatrous worship of the Sacrament by the Papists: yet now seeing all memory of by past superstition is past; in reverence of God, and in due regard of so divine a mystery, and in remembrance of so mystical an union as we are made partakers of, the Assembly thinketh good, that that blessed Sacrament be celebrat hereafter meekly and reverently upon their knees.

2. Item, If any good Christian visited with long sickness, and known to the Pastor, by reason of his present infirmity, unable to resort to the Kirk for receiving of the holy Communion; or being sick shall declare to the Pastor upon his conscience, that he thinks his sickness to be deadly, and shall earnestly desire to receive the same in his house, the Minister shall not deny to him so great a comfort, lawfull warning being given to him the night before; and that there be three or four of good religion and conversation, free of lawfull impediments, present with the sick person, to com-

municat with him ; who must also provide a convenient place in his house, and all things necessary for the reverend administration thereof, according to the order prescribed in the Kirk.

3. Item the Minister shall often admonish the people, that they deferr not the baptizing of infants any longer then the next Lords day after the child be borne, unless upon a great and reasonable cause declared to the Minister, and by him approved : As also they shall warn them, that without great cause they procure not their children to be baptized at home in their houses. But when great need shall compell them to baptize in privat houses, (in which case the Minister shall not refuse to doe it, upon the knowledge of the great need, and being timely required thereto,) the baptisim shall be ministred after the same forme, as it should have been in the congregation : and the Minister shall the next Lords day after any such privat baptisim, declare in the Kirk, that the infant was baptized, and therefor ought to be received as one of the true flock of Christs fold.

4. Item, For as much as one of the most special means for staying the increafe of Popery, and settling of true Religion in the hearts of the people is, that a special care be taken of the trial of young children their education, and how they are catechized ; which in time of the Primitive Kirk was most carefully attended, as being most profitable to cause young children, in their tender years, drink in the knowledge of God and his religion ; but is now altogether neglected, in respect of the great abuse and errours which creep into the Popish Kirk, by making thereof a Sacrament of Confirmation : Therefor, that all superstitions builded thereupon may be rescinded, and that the matter itself being most necessary for the education of the youth, may be reduced to the primitive integrity, it is thought good, that the Minister in every paroch shall catechize all young children of eight years of age, and see that they have the knowledge, and be able to make rehearsal of the Lords Prayer, the Belief, and ten Commandments, with answers to the questions of the small Catechism used in our Kirk : And that every Bishop in his visitation shall censure the Minister, who shall be found remiss therein ; and the said Bishops shall cause the said children to be presented before them, and bless them with prayer for increafe of their knowledge, and continuance of Gods heavenly graces with every one of them.

5. Item, As we abhor the superstitious observation of Festivall dayes by the Papists, and detest all licentious and profane abuse thereof by the com-

mon sort of professors ; so we think, that the inestimable benefits, receivit from God by our Lord Jesus Christ his Birth, Passion, Resurrection, Ascension, and Sending down of the Holy Ghost, were commendably and godly remembered at certain particular dayes and times, by the whole Kirk of the world, and may be also now : Therefor the Assembly ordains, that every Minister shall upon these dayes have the commemoration of the foresaid inestimable benefits ; and make choise of severall and pertinent texts of Scripture, and frame their doctrine and exhortation thereto ; and rebuke all superstitious observation and licentious profanation thereof.

The Bishop proponed an Act to be made, that all Ministers at their admission should swear, that they have made no privat paction for diminution of the stipends, modified be the Commissioners appointed be the Parliament.

Item, A ratification of the Catechism allowed at Aberdeen, and printed since with Priviledge.

Item, That every Minister have care, that the Act against beggars be observed in their parishes.

Item, That Mr William Scot and Mr Alexander Henderfon be transported to Edinburgh.

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